



**Wilmington, NC**

# **BIRCH CREEK HOMEOWNERS ASSOCIATION**

## **Rules and Regulations**

**Revised March 2019**

## INDEX

<b>Introduction</b>	<b>3</b>
<b>Common Areas</b>	<b>4</b>
<b>Items Allowed in Common Areas</b>	<b>5</b>
<b>Items Not Allowed in Common Areas</b>	<b>6</b>
<b>Noncompliance with Policies and Regulations</b>	<b>7</b>
<b>Association Dues and Delinquencies</b>	<b>8</b>
<b>Speed Limits, Parking and Vehicle Regulations</b>	<b>9</b>
<b>Pets / Children</b>	<b>10</b>
<b>Board Meetings</b>	<b>11</b>
<b>Regulations for Pool and Tennis Court</b>	<b>12</b>
<b>Group Party Rules</b>	<b>15</b>
<b>Maintenance – Declaration Article 10</b>	<b>16</b>
<b>Maintenance Responsibility</b>	<b>17</b>
<b>Maintenance Tips</b>	<b>18</b>
<b>Rental Units</b>	<b>19</b>
<b>Emergencies</b>	<b>20</b>
<b>Common Area Emergencies</b>	<b>22</b>
<b>Water and Sewer Policies</b>	<b>23</b>
<b>Repair and Landscape Order Request Sheets</b>	<b>26</b>

## INTRODUCTION

Birch Creek Homeowners Association is the legal entity responsible for our community. The purpose of our HOA is to provide continuity to the community by assuring fiscal integrity, preserving architectural soundness, and maintaining common properties. It also promotes the community concept and protects the community's property values for the benefit of its members.

Owners of Birch Creek property are members of the Homeowners Association. HOA membership includes certain mandatory obligations, financial responsibilities, and a commitment to abide by the use restrictions and rules of the HOA. Individual members have two responsibilities: (1) to maintain and use the property in accordance with the restrictive covenants and (2) to maintain the collective goal of improving the overall community life concept.

To be successful, the community must be properly run by its officers and board of directors, and it must have some level of participation by members. The Birch Creek HOA has an elected board of five to nine members, including officers, who meet every month in an open meeting forum to carry out community business. There is a required annual meeting once a year.

The operation of the HOA is determined by its bylaws. The Birch Creek HOA Bylaws provide the structure for committees and describe how rules and regulations can be made and amended. The officers and board members have responsibility for overseeing these procedures in order to preserve harmony in the community.

The Rules and Regulations manual was originally developed to summarize the basic responsibilities of homeowners. This 2017 revision is being done with the idea that it will continue to clarify Birch Creek HOA bylaws and policies. This Rules and Regulations manual is intended as a practical guide for residents to balance individual rights and community goals.

All questions or concerns go to Blue Atlantic Management. Please use the email address ([birchcreekhoa@yahoo.com](mailto:birchcreekhoa@yahoo.com)) or call them at 910-392-3130. Blue Atlantic Management will send out correspondences to the membership (email and mailed) so please white list the [birchcreek@yahoo.com](mailto:birchcreek@yahoo.com) email and the domain [bamgt.com](http://bamgt.com).

Please submit maintenance requests to the email address. You may also submit maintenance requests to Blue Atlantic Management via US Mail or drop off. The HOA manages maintenance projects but communication goes through the management company.

## COMMON AREAS

To appreciate the importance of the following rules, one must understand the meaning of “Common Areas,” which is the key feature of all condominiums.

Common areas are the **external**, visible surfaces of a unit: roof, balconies, walls, and fences adjoining and surrounding grounds, walkways, etc. These **do not** belong to the individual owner, but to **all** the owners jointly, through the Birch Creek Homeowners Association, which is responsible for their maintenance.

Consequently, the individual owner is not free to restructure, paint, decorate, or in any way alter the appearance of these areas. It is this principle which has made Birch Creek the desirable community it is. Not the least of the considerations is the positive effect this has on the value of our real estate.

Consequently, additions or alterations of external structures are in violation of the Common Areas and an infringement of the rights of other owners.

Owners, who may have any special considerations or extenuating circumstances related to Common Areas, are advised to address the HOA Board, in writing, about them. Residents are asked not to place the Board in the difficult position of having to request removal of items from the Common Areas, this avoiding possible embarrassment and hard feelings.

Roofs and other common areas maintained by the HOA shall not be pressure washed without prior approval from the HOA.

No one should go on the roofs. This includes the roofs of the storage and trash sheds. The HOA will NOT be responsible for any damage if residents allow folks to play or get on the roofs of any sort.

Please submit a request to the HOA to have your roofs cleaned, including power washing. Our roof warranties may be voided unintentionally if the roof is damaged.

## ITEMS ALLOWED IN THE COMMON AREA

The HOA Board has approved installation of sensor lights. Please install your sensor so it won't shine in your neighbor's window.

A bird bath (pedestal type, standard mfg. height) must be within ten feet of your fence and surrounded by shrubs that are always green and reach at least half the height of the bird bath.

Statuary may be used in flower beds near owner fences, doors or gates, but must not be visible from the street parking area or from your neighbor's sidewalk.

Flowerpots containing evergreen or blooming plants may be displayed on or along sidewalks or retaining walls (railroad ties). These should be ceramic, concrete, wood or plastic. The standard nursery type black containers are not acceptable. Nursery containers filled with live plants may be buried in the common areas. These pots must be removed when the plants die.

Hanging baskets or oblong containers may be hung from quad balconies using removable hangers. Vines (non-attachable type) can be grown from the fences or may be laced on balconies. **Nailing or screwing anything to the outside fences is not allowed.**

Residents may put a personal nameplate on their gate or on the fence near the gate for identification purposes. No other signs of any sort are permitted without permission of the Board.

Owners may plant trees, shrubs, or flowers in the common areas after approval of the owner's plan has been given by the Landscape Committee.

The United State flag and the North Carolina State flag may be hung from patio fences or from buildings using a standard flag holder. It is the responsibility of the owner to handle the flags properly and keep them in good repair. Small flags or banners on holders placed into ground outside patio fences are acceptable as long as long as they are not offensive.

Holiday decorations may be displayed during the various major holidays during the year, but must be removed no later than two weeks after the holiday. Christmas lights may be hung during the holidays on trees or bushes as long as safety precautions have been taken.

## ITEMS NOT ALLOWED IN COMMON AREA

No advertising or political signs may be displayed anywhere in Birch Creek. **Only one realty sign may be placed near or in front of the unit for sale or rent.** Open house signs are allowed at the Wrightsville Avenue entrance and at the intersection of Albert Circle and Birch Creek Drive during the time of the open house.

Banners, old or new auto plates, logos, clothes, or any flags other than the US and North Carolina State flags cannot be hung from the buildings, fences or gates. Erecting a self-sustaining flagpole (similar to the one at the pool) in the common area is not allowed. Christmas decorations, during the holiday season, have been approved by the board.

Nothing can be draped over the fence except for the protection of the fence when repair and maintenance work is in progress. Any modification of the fence must be approved by the board.

Bird feeders and birdhouses are not allowed outside fenced patios or courtyards.

Vines should not be allowed to grow onto buildings (stucco or wood), stucco wall dividers, fences, or post light sensors. Owners are responsible for keeping vines removed from any painted area. Owners must trim or confine bushes in their limited common area for painters to have access to fences. Notice of painting will be given in advance.

Dishes or antennas are not allowed on buildings or other common areas. We have poor reception due to our trees.

Owners, or residents if the unit is rented, not complying with the above regulations will be notified to remove the items at once. If not done within the time period allotted by the HOA board, the owner and resident if unit is rented will be notified of a fine, in accordance with Birch Creek HOA Bylaws, Article V – L 12, 13, and 14, as amended Dec. 2008.

## **NONCOMPLIANCE WITH POLICIES AND REGULATIONS**

When a resident is found not to be in compliance with any of the stated policies and regulations, the resident and owner if the unit is rented will receive a letter explaining the violation. The regulation and/or bylaw controlling it will also be included, as will be the specific time period in which the violation is to be corrected. If a violation is not corrected within the time limit, a second letter will be sent documenting the infraction and steps for correction. If a third letter is necessary, a fine of \$50.00 will be invoiced to the homeowner's account by the Birch Creek HOA accounting firm. Thereafter, each reported incident, involving the same homeowner, will result in an additional fine. (Birch Creek HOA Bylaws, Article V – L 12, 13, and 14, as amended Dec. 2008)

Examples of infractions:

- Not maintaining limited common areas (those areas within your courtyard and/or backyard).
- Failure to leash or clean up after your pet.

Voting rights may be suspended after notice for a violation of the HOA Rules and Regulations, the bylaws, or the condominium documents. (Birch Creek HOA Bylaws, Article XII)

Homeowners who wish a hearing on the violation may request a meeting with the HOA board. In the case of infractions of rules by the renters, the unit owner will be notified along with the renter. The owner will be responsible for seeing that the problem is resolved, or for removing the tenant.

## **ASSOCIATION DUES AND DELINQUENCIES**

### **Dues Payments:**

Association dues are to be paid by the 15<sup>th</sup> of the month. Payments should be sent directly to the accounting firm or payments may be drafted directly from your account upon request.

### **Dues Late Fees:**

A \$5.00 late fee is assessed if dues payment is not postmarked by the 15<sup>th</sup> of the month. If the dues are still delinquent after the second month, the late fee will be \$10.00, after the third month, \$25.00 and the fee will remain at \$25.00 per month until the dues are paid in full.

### **Special Assessment Late Fees:**

A 6% late fee per month will be assessed on all assessment invoices over 30 days in arrears.

### **Returned Check Fees:**

A \$25.00 returned check fee will be assessed for all checks returned from the bank for insufficient funds.

### **Liens:**

All accounts in arrears more than 60 days will be notified, and a lien will be placed on the property if payment is not received within 30 days of notification.

### **Suspension of Member Rights:**

Any homeowner who is in default in the payment of any dues, assessments, penalties or fines imposed by the HOA shall have voting rights suspended and will lose access to the pool, in addition to the aforementioned fees and liens. (Birch Creek HOA Bylaws, Articles V-L, 8 and XII)



## **SPEED LIMITS, PARKING AND VEHICLE REGULATIONS**

Maximum speed limit is 11 MPH. Please follow the traffic arrows and always drive to the right.

Residents, who have visitors for more than one day, are asked to place a VISITOR sign on the inside front window of the vehicle(s). Signs can be obtained from the HOA.

Unidentified vehicles on the premises in excess of 48 hours can be towed at the owner's expense.

No state unregistered or unlicensed vehicles can remain in Birch Creek in excess of one month. If requested, registration must be shown to a board member. If not removed, the vehicle(s) will be towed at the owner's expense.

Parking should be only in areas designated by white lines. Please be considerate of your neighbors and park between the lines.

We must keep the streets clear for emergency vehicles. Handicapped parking spaces are reserved for the residents having handicap designations. If you require a handicapped space, apply to the HOA board with proper proof.

**No parking is allowed on the grass, pine straw, or landscaped areas.** There are additional spaces behind the pool area.

Recreational vehicles, including boats, trailers, campers, mobile and motor homes must be stored in the fenced corral alongside the tennis court. Automobiles are not allowed to be stored in the corral. The same key that is used for the pool can be used on the corral locks. This space is for the convenience of owners/residents and is available on a first-come basis. No resident shall be entitled to more than one space. Vehicles stored here must have a Birch Creek ID sticker, which is available from the HOA.

**Each unit will have one assigned parking place and one additional place near the residence.** Units are only allowed these two parking places.

## **PETS**

There are numerous dogs and cats in our community, and residents need to be responsible for their animals. All dogs must be on a leash when outside the unit's limited common area.

All pet owners are required to clean up after their dogs and cats, as it presents a health hazard if left unattended. Please be aware of your cat's whereabouts, as we have had numerous complaints about cats digging in flowerbeds and climbing on cars. In order to protect the environment, residents are advised to have an outdoor litter box for their cat(s).

Pets should not be left unattended in private patios or yards when owners are off the premises. Any dog barking continuously can annoy neighbors.

Pet food and water dishes are allowed only in the private fenced patio or courtyard areas.

## **CHILDREN**

Parents should caution their children to play safely in the common areas. Smaller children should always be supervised when they are riding bikes or roller blading. Skate boarding and hover boards are not permitted.

Children must have supervision in the pool at all times. Adults are responsible for children's behavior and safety since there is no lifeguard.

## **BOARD MEETINGS**

Homeowners are invited to attend HOA board meetings. Check the bulletin board outside the pool area or newsletters for time and date. An email notice will be sent to owners who have given their email addresses to the board.

HOA board members select their officers. They also determine the time and date for meetings. Robert's Rules of Order shall govern the conduct of the HOA meetings.

According to Robert's Rules of Order, each motion is made and seconded by the board. The chairperson may permit unit owner participation regarding the motion on the floor. Owner participation at meetings is dependent on the policies adopted by each new board. The board can limit the time for homeowner input during the meetings.

While a unit owner is speaking, he or she must address the chair. Others are to refrain from speaking at this time.

After input by the owners, the chair will close owner input and the board will continue discussions and will vote upon the motion. Once the chair has closed owner participation, further discussion and vote shall be by board members only.

Homeowners wishing to have an item addressed at a meeting must submit the item in writing to the Secretary or President **one week prior** to the meeting.

Owners may be removed from the meeting for disorderly conduct as determined by the presiding officer.

## REGULATIONS FOR POOL AND TENNIS COURT

The pool and tennis court areas are for owners, residents and their guests. **Invited guests may use the facilities only when accompanied by the owner or resident.** Many of the following regulations exist to comply with New Hanover County Health Department regulations or are mandated by the HOA insurance carrier.

### General Regulations

**No pets are allowed in the pool area.** Our tennis court is now a multiuse recreation area, and pets are allowed on the tennis court. Use at your own risk and pick up all waste. You must enter the tennis court via the chain-link fence gate on the south side of the court, as pets are not allowed in the pool area; your pool key will work for the gate lock.

Out of consideration for others, users should refrain from rough activity or loud noises. Turn off lights after using restroom or when leaving pool area at night. No glass containers are allowed in either of the fenced areas.

### Pool Regulations

Hours are from 9:00 am until dusk and 8:00 am to 9:00 am for exercise/lap swimming only. **No lifeguard is on duty. No one should swim alone. The HOA will not be responsible nor held liable for any accidents. A phone is available on the clubhouse wall for emergencies and local calls.**

**All children under 16 must have adult supervision when using the pool.** Children at the pool without supervision will be asked to leave and return with an adult resident. The first violation will result in a warning to the homeowners, subsequent violations will result in a fine as outlined in our NONCOMPLIANCE WITH POLICIES AND REGULATIONS section of this document.

There is to be **NO DIVING** into the pool. (Note depth marks on pool edge.)

Children, not potty trained or under age two, should not use the pool unless they are wearing special Swimmie diaper pants. Balloons are not allowed in the pool.

All guests **must** be accompanied by the resident. Do not give your key to anyone else. Residents are allowed 2 guests per household per resident (2 residents can have a total of 4 guests). Guests over this number are considered a party and a rental contract must be signed with payment of \$150.00 security deposit and a \$100.00 non-refundable rental fee.

The \$150.00 security deposit is refundable as long as the pool is clean and damage free after the event.

Also, cooking out (grilling) or any serving of food is considered a “party” as well. The resident has to provide their own grill. Birch Creek HOA does not provide this.

Replacement keys are \$75.00 each. Do not lose your key. One key per household only. The keys are special security keys and cannot be duplicated.

The pool closes at dusk. If you are at the pool in the evenings and turn on the eating area/kitchen lights please make sure they are off when you leave.

Guests must park behind the pool house OR in non-numbered parking spaces.

NO glass in the pool or pool area.

No pets in the pool or pool area. This is enforced by the Birch Creek rules and the New Hanover County Health Department. The first violation will result in a warning to the homeowners; subsequent violations will result in a fine as outlined in the NONCOMPLIANCE WITH POLICIES AND REGULATIONS section of this document. Violations could result in result in the Health Department inspector closing our pool.

Floats, rafts, balls, and other equipment should be removed from the pool area after use.

**Always shower before entering pool, especially when using sunscreen or lotions. Pool furniture must not be removed from pool area. Close umbrellas when leaving.**

**NO SMOKING IN THE ENTIRE RECREATION AREA. Smokers must smoke outside the gate.**

**Any excessive noise coming from the pool can be subject to any neighbor calling the police (non-emergency number is 910-452-6120, call 911 for emergencies). No loud music at any time.**

## **Tennis Court Regulations**

Hours for use of the tennis court are from 8:00 am to 10:00 pm. Tennis players may use sign-up bulletin board located at tennis court gate. One and a half hours is allowed for singles, two hours for doubles. Play as long as desired if no one is waiting. If crowded, sign up again. Turn off the lights, close and lock gates after use.

**Our tennis court is now a multiuse recreation area. Dogs are allowed in the tennis court, but owners are responsible for their own pets.** Pets are **NOT** allowed in the pool area. You must enter the tennis court via the south side gate (your pool key will work for the gate lock). Pet owners and their pets use the court at their own risk. Pets may not be left in the area without their owners, sick pets are not allowed, all pets must be licensed and up to date on immunizations, and owners must clean up after their pets. Birch Creek HOA is not responsible for any injury, illness, or damage to other dogs or the public caused by your pet.

## **GROUP PARTY RULES**

A party must be sponsored by a Birch Creek owner or resident.

No parties are allowed on Sundays or Holidays. During the rental time, the pool and tennis courts are open to the rest of the community. There are no exclusions to this rule.

Requests for special parties at the pool or party room are to be submitted to the Chair of the Pool Committee at least two weeks in advance and cannot conflict with someone else's rental. No party shall be for the purpose of fund raising, nor shall any party require a cost of admission. Two checks, one for \$100.00 and one for \$150.00, should accompany the request. \$100.00 will go to the Hospitality Committee and the other \$150.00 deposit will be returned to party sponsor after the pool area is inspected if there is no damage and the area is left clean.

The sponsor is responsible for any damages to pool area equipment/furniture. The sponsor is also responsible for cleaning and removing all debris from the area, closing umbrellas, and turning off fan and lights. The same is true when using the party room.

Parties may be scheduled from 11:00 am until 9:00 pm. Pool parties are limited to 4 hours and must be cleaned up and out by 9:00 pm. Those renting the pool area may use no amplifiers for music or other sound creating devices. All noises shall be kept low to avoid disrupting others in the community.

Please ask guests to car pool if you are expecting a number of people. Also, let area neighbors know and possibly make arrangements with them.

The Pool Committee Chair will post the party requests on the community bulletin board with the day and time. The pool remains available to other community members during party times.

For pool rental requests please email [birchcreekhoa@yahoo.com](mailto:birchcreekhoa@yahoo.com) or call Blue Atlantic Management at 910-392-3130. Include your name, unit number, phone number, and date and time of rental. Blue Atlantic Management will provide you with the rental agreement for you to fill out and return along with the security deposit and rental fee.

## **MAINTENANCE – DECLARATON ARTICLE 10**

This item from the Bylaws Declarations is being placed in the Rules and Regulations to better understand the responsibilities of both the unit owner and the Birch Creek Homeowners Association.

**10.C. All parts of a condominium unit shall be kept in good condition and repair by and at the expense of the owner.** The unit shall be maintained by the owner in a clean and safe condition, free of nuisance. Each unit owner will promptly comply with requirements of the insurance underwriters of the insurance for the common areas and facilities when so requested in writing by the board or its designated agent. Any failure of an owner to repair, maintain or replace as may be required pursuant to the Condominium documents or a determination by the Board or its designated agent that such failure will endanger or impair the value of the common areas and facilities of any unit, or the limited common areas and facilities belonging to another owner, may be, upon written notice to the owner of the nature of the required repair, maintenance or replacement, repaired or replaced by the Association at the expense of the unit owner, to be collected by special assessment as provided herein and in the Bylaws. Such assessment may include the cost to the Association incurred in the abatement of any nuisance maintained by the unit owner therein.



## **MAINTENANCE RESPONSIBILITY**

So that owners do not have to read the Birch Creek HOA documents in entirety some of the main issues are included here. In the Declarations under Maintenance Article 10 you need to refer back to Declaration 6 – Limited Common Areas and Facilities. **All limited common areas and facilities, as described in Paragraph 6 of the Declaration (except for those in item A, which are maintained by the HOA) shall be maintained by the owner**, and insured if owner desires.

### **Declaration 6 – Limited Common Areas and Facilities**

- A. The Association takes care of railings and decks in the quads.
- B. All non-load bearing walls located entirely within the unit;
- C. All materials, including but not limited to, studs, sheet-rock, plywood, carpet, paint, paneling, tile, vinyl or brick, attached to or on, the inside surfaces or perimeter walls, floors, and ceilings of the unit;
- D. All doors, windows, screens, ventilation fans and vents located entirely within the unit from the perimeter walls, floors or ceilings thereof;
- E. All air handling units ducts and components and all water, power, telephone, television and cable television, electricity, plumbing, gas and sewer lines located in the unit; provided, however, that the portion of said lines located in a common compartment for, or installation of such lines shall be general common areas and facilities as described above.

### **Common Area Repair and Landscaping Requests**

Repair and landscape requests must be in writing. Forms are provided for this purpose. Please email your request to [birchcreekhoa@yahoo.com](mailto:birchcreekhoa@yahoo.com), submit to Blue Atlantic Management via US Mail, or drop off at Blue Atlantic Management’s office. Only the owner’s request will be considered. Please do not phone board members with requests. Do not approach the maintenance crew with requests.

Homeowners wishing to make changes or additions to common area landscaping must first submit the proposed change in writing to the Landscape Committee (via US Mail, drop off at our management company, or above email). An explanation, drawings and/or specifications can be included in the request. The Landscape Committee will review the request and give its recommendation to the board.

## MAINTENANCE TIPS

**Heat Pump Maintenance:** The HOA board recommends that you keep your air filters clean. Dirty filters may cause damage in the unit, to the fans, compressor, and motor. If you are a new resident, please check with the previous owners about the location of the filter. You should also check to make sure excess water is draining to the outside from the pan that holds the air handler. The air handler is in the attic of the quads. It is in a closet on the first or second floor of the duplexes.

**Chimney:** Check your chimney before using it each year. Make sure it is clean in order to safeguard your home and also your neighbors'. We recommend regular chimney cleaning and inspections by a reputable company.

**Plumbing:** Turn off the water line valve when you will be gone for an extended period of time. The valve is outside; it has a green cover with your unit number on it. It requires only a quarter of a turn to be off. Remove the hose from the outside faucet during cold weather. If it freezes, it can damage a water pipe inside the unit. Your outside faucet is the homeowner's responsibility.

**Hot Water Heater:** Be sure to know the age of your hot water heater. They are only warranted for five years. If it should leak and cause damage, the owner is responsible for the cleanup as well as the replacement unit.

**Patios, Courtyards, and Backyards:** Keep your patio, courtyard, and backyard areas free from debris to help prevent health hazards, such as rats and snakes. It is important to keep debris off the fencing to prevent rotting. When these areas are maintained, it cuts down on workers' time in those areas.

**Termite Inspections:** The HOA board will announce dates for annual termite inspections. Homeowners are required to make an appointment with the inspection company if no one is available to let the inspector in on the designated day. If the homeowner does not comply with the notice of termite inspection, and subsequent damage occurs, the owner is responsible for replacement and repairs.

**Unit Insurance:** All homeowners should carry Homeowner Insurance H06 (discuss this with your agent). Renters are advised to carry Renter Insurance.

## **RENTAL UNITS**

All owners are responsible for compliance with the Documents, By-Laws, and Rules and Regulations of Birch Creek. In the event an owner rents or otherwise allows a party to use his/her unit and that renter, relative, or party does not comply with the above, the owner shall be held accountable and shall be required to repair, correct, and pay all expenses incurred and also pay a fine of \$50 for the first offense, \$100 for the second and any recurring infractions.

Article V Paragraph L 14 of the Birch Creek By-Laws sets forth the policy.

In order to have a working relationship between owners and BCHOA the following procedure will be adhered to.

1. The owner will inform the Board in writing as to who other than themselves are living in the unit.
2. The owner will sign a statement of responsibility. The owner will also have the renters, relatives, or visitors living in said unit contact the BCHO Association President, at which time they will receive a copy of the Rules and Regulations and will sign a statement of understanding.
3. The above being accomplished, the owner of the unit shall be notified of any infractions. The first fine will be waived. If the owner does not comply with the above along with the authorized residents the fine will be imposed from the first violation, and further action will be taken by the board.

If any renter, relative, or visitor living in said unit fails to comply with the terms of the Condominium Documents, any Rules and Regulations, or these By-Laws, then the owner is to terminate any written or oral lease or rental agreement, and to remove from the Unit, such Renter/Lessee, Relative or Guest.

## EMERGENCIES

**Fire and rescue** – call 911.

Fire extinguishers – Owners/residents are responsible for providing their own fire extinguishers.

Smoke Detectors – Owners/residents are responsible for providing their own smoke detectors in their individual units. The resident should check their smoke detectors on a regular basis to ensure that they are functioning properly.

**Police** – Call 911. If you feel that the police need to be called but it is not an urgent matter you may call the non-emergency number at 910-452-6120.

**Disasters** – The most common natural disaster we experience is a tropical storm (tropical depression, storm, or tropical hurricane). Possible disasters include, but are not limited to, ice storm, hurricane, flooding, tornado, earthquake, bursting pipes.

**Planning** – All homeowners and residents should have an emergency plan for your unit. Our board members may be unavailable if they are tending to their own property and/or family members. You have a responsibility as a homeowner to ensure that you have a plan!

Here are resources to assist you with your plan and supplies:

- <https://www.ready.gov/be-informed>
- <https://www.ready.gov/make-a-plan>
- <https://www.ready.gov/build-a-kit>
- <https://www.fema.gov/news-release/2005/08/03/prepare-family-disaster-plan-now>
- <http://www.redcross.org/get-help/how-to-prepare-for-emergencies/make-a-plan>

### **Prior to the event –**

- Residents should notify your neighbors if you are not going to be home for any length of time.
- Board members need to communicate to find out who may be available after the event for assessments.
- Residents must be kept informed by accessing news on the TV, radio, newspaper, or online. Evacuation orders and shelter information will be announced on these outlets. The board will not provide updates on emergency information as we prepare our own home and families. It is your responsibility to check the local news for important updates.

**Authority Orders** – All residents **MUST** adhere to local evacuation orders and any additional emergency orders issued by the authorities.

**Recovery –**

1. All residents must obey local authorities, including any curfews, instructions, and evacuation orders.
2. Homeowners should assess their home for any damage. Keep an inventory of any issues you see and send to the board so we can ensure the information is in our assessment.
3. When it is safe, board members that are available in the neighborhood to assess damage will do so once they assess and secure their own homes and families. Board members should reach out to other members via phone if able.
4. Board members will convene when it is safe to determine what repairs need to be made and will call any vendors (tree trimmers, landscapers, etc.) needed to complete repairs or clean up.
5. Any resident who is able to check on any neighbor is encouraged to do so!

## COMMON AREA EMERGENCIES

Birch Creek has a 24-hour emergency number (910-612-5970). This number is for EMERGENCIES only. We will assess the issue and determine next actions. If you are able to do so safely and without causing more damage, please try to mitigate the issue to the best of your ability. The following scenarios could be considered emergencies:

- Roof collapse
- Building collapse
- Sewer back up – We recommend that you call the plumber directly. We can sort out payment responsibilities after.
- Water leaks – Water flooding into the unit is an emergency. If you have a leak that is contained by a bucket this is not an emergency but does need to be addressed as soon as possible. If not an urgent matter please use the email to report the issue or you may call Blue Atlantic Management during normal business hours.

Residents who call the number and do not have a true emergency will be fined \$200.00 per instance. The emergency number is not to be used for any other purpose.

Your water shut-off valve is located at your master meter. Please contact the HOA if you are not sure where your meter is located and we can assist you.

### FAQ –

- **Who do I call if my power is out?** You must call Duke Power. The HOA or management company will not be able to assist with a power outage.
- **Who do I call if the cable is out?** Call your service provider.
- **Who do I call if the phone is out?** Call your service provider.

## WATER AND SEWER POLICIES

**OVERVIEW:** In 2014, Cape Fear Public Utility Authority (CFPUA) required that Birch Creek 1 and our neighbors Birch Creek 2 install a master backflow valve on the main incoming water line that would require a master meter. Birch Creek 1 and Birch Creek 2 are on the same private water system. This was not a Birch Creek HOA requirement; it was a requirement of CFPUA to ensure that anything in our private system does not flow back into the public system. Birch Creek 1 and Birch Creek 2 are on the same private water and sewer system and our system is unique in that it is a) a private system, b) an old system, and c) a design that is no longer permitted—new systems in the city are built according to CFPUA specifications. After the master backflow valve and meter were installed in late 2015, the two Birch Creek HOAs had to take over billing the individual units for water and sewer usage.

Originally, we were going to install the master meter and backflow valve, read individual unit meters every two months, and bill owners directly for the read usage. However, we were notified that anyone that reads meters and bills users for the exact usage is considered a reseller. The NC Dept. of Environment and Natural Resources (NCDENR) notified us that resellers have certain responsibilities including testing and certification. Due to the cost of the certification, equipment, and time it would take to facilitate testing, we opted to instead have owners pay through our monthly HOA dues using the previous three months of usage data.

Individual owners are responsible for their unit's water meter. Each unit has its own water meter which shows the water usage. In order to read the water meter, an electronic device (known as an encoder receiver transmitter, "ERT") is required to allow the meter reader to read the usage easily and without having to manually access all 124 meters in our neighborhoods (both Birch Creek 1 and 2).

You (owners) receive your water/sewer bills from Blue Atlantic Management (BAM) on a monthly basis. Water/sewer bills are sent out on the first of the month and are included as a line item on your invoice. The bill from Blue Atlantic is an average of your past usage.

We are reading meters and audit billing and usage every 3 months.

Our water still comes from CFPUA, but through one large meter at the Wrightsville Avenue entrance, so it is our responsibility to handle the water and sewer system within the confines of the Birch Creek Community.

**BILLING:** We bill each unit based on CFPUA's billing rates, which include a sewer base, a water base, and a usage charge for water and sewer. The base fees are charged to each unit even if there is zero usage. Each unit is billed on a monthly basis, billed on the first of each month. The billing is based on the CFPUA's current fee schedule which is located on their [website](#) (base fee applies even if NO consumption).

Note that CFPUA bills every 2 months, so their fees are for 2 months. Current base fees are:

Sewer: 29.10

Water: 26.67

Total base fees for two months: 55.77

Minimum bill per month: \$27.89

**STEPS FOLLOWED IF BILL IS NOT PAID:** Each unit will be billed on a monthly basis, on the first of each month. The due date will always be 30 days later. If this is not paid by this date a letter will be sent giving you two more weeks to pay. If the bill is not paid by that date your water will be turned off. There is a turn-off fee of \$55.00.

During the time that you have an unpaid water bill there will be an additional 10% penalty added onto the current charges for each 30 day period. And an additional charge of \$55.00 will be charged to turn the water back on after you pay the bill. And please note, even if no one is in your unit using water there is always a base charge of \$13.34 for water per month and a base charge of \$14.55 for sewer per month. The actual usage is calculated on each 1,000 gallons, and the cost per 1,000 gallons is \$4.58 (sewer) + 3.85 (water) for a total of \$8.43 per 1,000 gallons.

If your water is turned off for nonpayment and someone tries to turn the water back on, there is a tampering fee of \$110.10. Then the meter is removed and the water is plugged, and no further water is available for the unit. To reinstate the water service, an additional fee of \$110.10 will be paid, along with all the previous fees, to have the meter reinstalled and the water turned back on.

For sure CFPUA has had these issues in the past, and we feel sure this will not be happening in Birch Creek, but we want everyone to be knowledgeable of the steps that will be taken if any of this takes place.

**METER AND ERT ITEMS:** Individual units are responsible for the unit's water meter. Each unit, i.e., owner, has its own water meter which shows the water usage. However, in order to read the water meter an electronic device is required. This device is an ERT. If the ERT is not functioning, the meter cannot be electronically read.

The replacement of water meters and ERTS now falls upon our organization and the cost is billed to the owner. If a meter ceases to read water usage, this will have to be replaced and the cost for the water meter and ERT will be paid by the unit owner.

**METER READING:** This will be taking place monthly so that we can watch water usage to be sure there are no broken water lines with unusual water usage. However, your billing is going to be calculated off of the previous 3-months usage provided to the boards and the bill for your specific unit will come from BAM as part of your monthly expense. And unless there is some unusual change in usage, your monthly bill will be the same for each t-month billing period.

Owners will be notified via US Mail from Blue Atlantic if an adjustment is necessary.



**The following pages are for homeowner's use to make a repair or landscaping request for their common area. Please mail or drop off the completed form to Blue Atlantic Management or email it to birchcreekhoa@yahoo.com. Do not approach the maintenance crew with requests. Do not approach the maintenance crew or board members with requests.**

**Please email the board at birchcreekhoa@yahoo.com if you have any questions.**

**Birch Creek 1 Homeowners Association**

**OWNER REPAIR REQUEST FOR COMMON AREA**

**Date:** \_

**Owner Name:**

**Unit Address**

**Phone:**

Please mail or drop off the completed form to Blue Atlantic Management or email it to birchcreekhoa@yahoo.com. Do not approach the maintenance crew with requests.

Description of problem (if more than one, list in order of priority)


**Birch Creek 1 Homeowners Association**

**OWNER REPAIR REQUEST FOR COMMON AREA**

**Date:** \_

**Owner Name:**

**Unit Address**

**Phone:**

Please mail or drop off the completed form to Blue Atlantic Management or email it to birchcreekhoa@yahoo.com. Do not approach the maintenance crew with requests.

Description of problem (if more than one, list in order of priority)


**Birch Creek 1 Homeowners Association**

**OWNER REPAIR REQUEST FOR COMMON AREA**

**Date:** \_

**Owner Name:**

**Unit Address**

**Phone:**

Please mail or drop off the completed form to Blue Atlantic Management or email it to birchcreekhoa@yahoo.com. Do not approach the maintenance crew with requests.

Description of problem (if more than one, list in order of priority)
