

Taft Woods East

Architectural Guidelines,
Property Standards,
&
Rules and Regulations

February 2015

INTRODUCTION

Purpose of Architectural Guidelines

Taft Woods East is a Residential Development. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The Board reviews all architectural requests until an Architectural Control Committee is appointed. These Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Taft Woods East Community. The Taft Woods East Homeowners Association By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written architectural standards and construction specifications.

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the Board. This would include, but is not limited to, any building, wall, fence, patio, deck, driveway, plating, clearing or cutting of trees, color or painting of the exterior, swimming pool, play equipment or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the Board. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the Board. The Board shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to Taft Woods East HOA.

Government Permits

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the DCCR, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the DCCR and the Architectural Guidelines (in that order) shall prevail.

Review Structure

The Board of Taft Woods East will handle architectural control and design review for the community. The Board has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in the DCCR. The Board shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional design standards and review procedures consistent with these Architectural Guidelines.

ARCHITECTURAL REVIEW PROCESS

Review of Proposed Modifications

The review of the proposed modifications shall require the submission of an application to the Board. An application form can be obtained on the Charleston Management website at www.charlestonmanagement.com or by calling Client Services at 919-847-3003. Depending on the scope of the modification, the Board may require the submission of all or some of the plans and specifications listed below. In the alternative, the Board may require a less detailed description of the proposed modification.

Application Process

The Board will require a set of modification plans in addition to the submission of an application. The preferred method of receipt is via email to: info@charlestonmanagement.com. If the e-mail option is not viable, the application and plans should be submitted to the following address: Charleston Management, P.O. Box 97243, Raleigh NC 27624. FAX: 919-848-1548. Do not fax if the Board needs to review colors.

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the Board visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information see "Landscaping and Site Standards" section of this document.

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

Review Criteria: Recommendations & Variances

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the Board may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the Board will not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines, unless the Board grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The Board shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the DCCR. No variance shall be effective unless in writing and supported by all members of the Board.

Review Period

Each application and plan submittal shall be approved or disapproved within thirty (30) days of receipt of all materials required by the Board. **The Board's decision shall be based upon a majority vote of the Board and shall be rendered in one of the following forms:**

1. "Approved" - The entire application as submitted is approved.
2. "Approved with Conditions" - The application is not approved as submitted, but the Board's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The Board shall specify the particular grounds upon which denial of such application is based.

4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate and the thirty (30) day time period for further Board response shall only commence upon receipt of the requested additional information. .

If the Board fails to respond within 30 days of receipt of a complete application, approval shall be deemed granted.

As a condition of approval under this section, each Owner and all successors- in-interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

Any Owner who submits Plans to the Board and disagrees with the finding of the Board may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the Board or its representative. At such meeting the Board or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the Board. The decision of the Board shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 30 days.

City / County Approval

The review and approval of plans and specifications by the Board shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the Board that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the Board or Board, the Board shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the Board.

Time to Complete

The Board shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the Board may approve or disapprove.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the Board prior to implementation of such changes. Close cooperation and coordination between the Applicant and the Board will ensure that changes are approved within 15 days.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the Board, the Applicant must notify the Board of such changes and receive approval from the Board prior to implementing such changes.

Enforcement Waiver

In the event of any violation of these Design Guidelines, the Board may take any action set forth in the Bylaws or the Declaration, including levying a Specific Assessment pursuant to the Declaration. The Board may also remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Dwelling/Lot upon which such violation exists.

DESIGN STANDARDS

The following specific site criteria shall apply to all proposed modifications within the community unless the Board or Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits.

Air Conditioning Equipment

Unless other-wise permitted by the Board, no window-air-conditioning unit (sides or front) shall be installed.

Antennae and Satellite Dishes

Satellite Dishes and Antenne. Satellite dishes, antennae and similar devices for the transmission of television ,radio, satellite, or other signals of any kind shall be prohibited, except that (a) antennae or satellite dishes designed to receive direct broadcast satellite service which are one meter or less in diameter; (b) antennae or satellite dishes designed to receive video programming services via multi point distribution services which are one meter or less in diameter or diagonal measurement ;or (c) antennae or satellite dishes designed to receive television broadcast signals (“Permitted Devices”) shall be permitted, provided that any such Permitted Device is placed in the least conspicuous location on the lot in which an acceptable quality signal can be received and is screened from the view of adjacent lots in an acceptable manner.

Boats, Trailers, Recreational Vehicles and Unlicensed, Unregistered or Inoperable Vehicles

No recreational vehicles, such as campers, boats, all terrain vehicles, four wheelers, or equipment related to these vehicles such as trailers or utility trailers, equipment such as tillers, mowers, or any other type of work/utility equipment/vehicles may be parked on any lot in front of the back foundation line of the dwelling on said lot. Such vehicles and equipment must be shielded from view in such a manner so as not to be visible from the street, through the use of plant screens or fencing that is approved by the Association prior to installation.

Drainage

Roadway and guttering pipes for drainage, if required, under driveways at or near their point of Boardess, shall be a minmum of 15 inches in diameter, but in no event less than that required by the North Carolina Department of Transportation.

Exterior Furnishings

All furniture placed on the exterior of a home must be specifically designed for outdoor use and kept in good repair. BBQ grills must be kept in the rear of the home.

Fences

No fence or fencing type barrier of any kind shall be placed on any portion of a Lot without prior written consent of the Association. Hog and chain link fencing is specifically prohibited. The approved fencing options are located in Exhibit A. Refer to Exhibit A for description of approved fence styles.

Flags

Flag poles must have a maximum height of 20 feet from grade. They must be a satin finish aluminum pole with internal halyard or have a telescoping design that does not require a halyard. A 4' X 6' US flag and NC flag may be flown on the flag pole, in accordance with §47F-3-121 North Carolina Planned Community Act.

Guns

The use of firearms on the Properties or in the Community is prohibited. This includes “B-B” guns, pellet guns and small firearms of all types. This prohibition supercedes any Johnston County ordinances.

Lawns

Lawns should be maintained at an appropriate height by mowing and edging during growing season. Yard should be predominately free of weeds and mulch or pinestraw should be added to planter beds at least annually. Trees and plants should be pruned regularly.

Noise/Nuisance

Please refer to Exhibit B, Johnston County Noise Ordinance. Clayton Police Department (919) 553-4611 should be contacted to confirm and address noise violations.

Patios/Porches

The approval of the Board is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio

product must be similar to or generally Board accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and architectural shingles to match existing house.

Pets

No animals, livestock or poultry of any kind may be raised, bred, kept or permitted on any Lot, with the exception of the following pets: (1) dogs (but no pit bulls are allowed), (2) cats, (3) birds and (4) other usual or common household pets. The Board for the Association may regulate the number of pets allowed by any Owner. Pets which are being walked through the area, pets which are permitted to roam free or which, in the sole discretion of the Board, appear to endanger the health or safety of the Community, make objectionable noise, or constitute a nuisance or inconvenience to the Owners of other Lots or the Owner of any property located adjacent to the Community may be removed by the Board. No pets shall be kept, bred or maintained for any commercial purpose. No household pet that has caused damage or injury may be walked in the Community. Pets shall be leashed, penned or physically restrained at all times within each Lot. Dogs must be kept under the owner's care and control at all times. Any dog off the owner's property must be on a leash.

For enforcement issues, refer to Exhibit C for additional information.

Pools and Hot Tubs.

Above ground swimming pools are not permitted. In addition, no other types of swimming pools, hot tubs or portable spas shall be permitted without prior written consent of Declarant, The Board or the Architectural Control Committee

Sheds

Maximum shed size is 8'x12'. Sheds must be constructed of wood and have architectural shingles that match home. Foundation of shed must be covered with siding, lattice, brick or plantings. Shed must be painted the same color as home. Sample of approved shed design is available on Exhibit D.

Signs

No signs of any kind shall be displayed to the public view on any Lot except one professional sign of not more than five (5) square feet advertising property for sale or rent.

Temporary Structures

Temporary structures are prohibited. The approval of the Board is required for tents other than camping tents that are used for occasional overnight sleeping. Approval by the Board is also not required for temporary canopies that are erected for special occasions.

Trash, Clotheslines and Woodpiles

All trash must be placed in the proper receptacle provided by the Municipality. All Lots, whether occupied or unoccupied shall be well maintained and no unattractive growth or accumulation of rubbish or debris shall be permitted. All clotheslines, garbage containers, woodpiles and other similar items shall be located or screened so as to be concealed from view of neighboring Lots, street or passing vehicles.

Utilities

Owners are responsible for any damage to the common area as a result of the installation of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Vehicles

No vehicles shall be parked on any street overnight, except the occasional use of street parking for overnight guests. No commercial or work vehicles in excess of three and one-half tons are to be parked on a street overnight. No stripped, partially wrecked, or junk motor vehicles shall be parked or kept on any street.

All terrain or other off road vehicles are prohibited from all Common Areas and public streets in the community.

LANDSCAPING AND SITE STANDARDS

Site Distances. No fence, well, hedge or shrub planting which obstructs street lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines

extended. The same sight line limitations shall apply on any lot within 10 ft. from the intersection of street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances or such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such site lines.

CONSTRUCTION GUIDELINES

Inspections

The Board may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural guidelines. All inspections are observations only and will not relieve the owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

Construction Damages

Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

Conduct

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future Boards to the community.

Site Cleanliness

All **work sites** must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

OWNERS SHOULD REFER TO ARTICLE VII, USE RESTRICTIONS AND ARTICLE VII, ARCHITECTURAL CONTROL, IN THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR TAFT WOODS EAST FOR ADDITIONAL INFORMATION.

LIMITATION OF LIABILITY

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the Board of Directors, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the Board of Directors nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages.

EXHIBIT A

TAFT WOODS EAST APPROVED FENCING STYLES

Wood Fencing

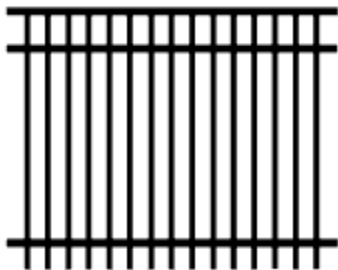
- Four (4) foot rainbow picket with 2 ¼ inch spacing between pickets. Fence may be no higher than four (4) feet at its highest point. Decorative post caps are not required. Fence must be constructed with “good side” facing out. Fence may be left natural, painted to match house trim, or stained with an approved stain color.



- Five (5) foot privacy fencing. Fence may be no higher than five (5) feet at its highest point. Fence must be constructed with “good side” facing out. Fence may be left natural, painted to match house trim, or stained with an approved stain color.



- Five foot black aluminum fencing, owner to submit desired style. Photo below is one example.



It is recommended that fencing be placed six inches in from property line. Any owner adjoining to a neighboring fence must submit written authorization from adjacent owner.

EXHIBIT B

JOHNSTON COUNTY NOISE ORDINANCE (Pertinent Excerpt)

Sec. 12-32. - Loud and disturbing noise .

(a) Subject to the provisions of this article, the creation, causing, or allowing of any unreasonably loud or disturbing **noise** in the county is prohibited and unlawful.

(b) For the purposes of this section, the following definitions shall apply:

(1) *Unreasonably loud.* **Noise** which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace, order, or calm of the area or which is obnoxious to or unreasonably disturbing to a person whose residence, work or commercial enterprise is within a reasonable proximity to the point, place or person from which such **noise** is emanating or emanated and the **noise** is such a kind, nature, duration or extent that a reasonable person would consider the **noise** to be unreasonably loud or disturbing.

(2) *Disturbing.* **Noise** which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, or calm of such person or persons or that of the proximal area or tending to annoy, disturb, or frighten such persons in such proximity to the point, place or person from which such **noise** is emanating or emanated that a person of reasonable and ordinary firmness and sensibilities would reasonably be or reasonably be expected to be disturbed in his or her use, occupation, or pursuits.

(c) In determining whether a **noise** is unreasonably loud or disturbing, the following non-exclusive factors incident to such **noise** are to be considered: time of day; proximity to residential structures; whether the **noise** is consistent with the nature of the surrounding area (that is, within a reasonable degree of proximity such that the **noise** could reasonably be expected to affect the persons or persons who occupy, live or dwell in such proximity); the range or distance from the point of emanation that the sound may be unreasonably loud or disturbing; whether the **noise** is recurrent, repetitive, intermittent, or constant; the volume or intensity of the **noise** ; whether the **noise** has been enhanced in volume or range by any type of mechanical, electronic, or other similar means; the nature and zoning of the area; whether the **noise** is related to the normal operation of a business or other labor activity, whether the **noise** is subject to being controlled without unreasonable effort or expense to the creator or person or entity causing or allowing the emanation of such **noise** ; and any other factor which reasonably should be considered in determining whether a **noise** is unreasonably loud or disturbing.

(d) The following acts, among others, are declared to be loud and disturbing **noises** in violation of this article, but such enumeration shall not be deemed to be exclusive:

(1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity or otherwise to be a loud or disturbing **noise** as defined under this article;

(2) The sounding of any horn or signal device on or from any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound; or the sounding of such device for an unreasonable period of time.

(3) The playing of any radio, television set, record player, musical instrument or sound-producing or sound- amplifying device in such manner or with such volume, particularly, but not limited to, the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of reasonable and ordinary firmness and normal sensibilities in any dwelling, motel, hotel or other type of residence.

(4) The keeping of any animal, except livestock and poultry maintained and kept consistent with the zoning applicable to the property where kept, which by causing frequent or long continued **noise** on a regular basis, shall disturb the comfort and repose of any person of reasonable and ordinary firmness and sensibilities in the vicinity or which may otherwise be an unreasonably loud or disturbing **noise** as defined under this article. With respect to this subsection only, if the violation continues or complaints are received from other households, the owner shall be granted ten working days to remedy and rectify the situation before issuance of a citation.

(5) The use of any automobile, motorcycle, ATV or other motor vehicle or vehicle of any kind which may be so out of repair, so modified from factory settings or equipment, and/or so loaded or operated in such manner, as to create loud grating, grinding, rattling or other **noise** caused by or emanating from such vehicle or its operation or which otherwise shall be, create or cause an unreasonably loud or disturbing **noise** as defined under this article.

(e) Enforcement. The violation of this article shall be punished as provided under G.S. 14-4. Any person or corporation or other legal entity violating this article shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00. A first violation of this article shall be punishable by a fine of not less than \$50.00; a second violation shall be punishable by a fine of not less than \$150.00; and a third violation, or more, each shall be punishable by a fine of not less than \$500.00.

(Ord. of 8-5-1996, § 1; Ord. of 3-7-2011; Ord. of 9-4-2012)

Exhibit C

Excerpts from Johnston County Animal Control Ordinance

The Johnston County Animal Services Department handles animal related offenses and can be reached at 919-934-8474 between 8 am – 5 pm, Mon-Fri. For after hours emergencies, please contact the Johnston County Sherriff's office at 919-934-9411.

Sec. 4-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acts deemed public nuisance means any dog which habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, or vehicles or turns over garbage cans, damages vegetable or flower gardens, damages plant beds, or damages or harasses livestock, or otherwise conducts itself so as to be a public nuisance, or which habitually or repeatedly barks in such a manner or to such an extent that it disturbs the peace and repose of a reasonable person within the immediate vicinity. Additionally, a female dog running at large while in heat is a public nuisance.

At large means any animal off the property of his owner and not under the control of a competent person, including but not limited to stray animals.

Direct control means an animal under restraint and in the custody of the owner of such animal, or other person who has assumed control of the animal.

Inherently dangerous mammal means any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

(1) Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis Familiaris*).

(2) Felidae, including any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).

(3) Ursidae, including any member of the bear family, or any hybrids thereof.

Owner means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals.

Restraint means an animal controlled by means of a chain, leash or other like device; is on or within a vehicle being driven or parked; or is within a secure enclosure such as a cage, kennel, building or fence.

(Amend. of 03-01-2010)

Sec. 4-5. - Penalty for violations.

Pursuant to the authority in G.S. 153A-123, unless otherwise provided for within this chapter or by General Statute, any person in violation of this chapter shall be subject to a civil penalty in the amount of \$100.00 for a first offense; \$200.00 for a second offense; and \$300.00 for a third and all subsequent offenses. The civil penalty shall be imposed as provided in this chapter and may be recovered by the county in the nature of a debt. A third or subsequent civil citation under this chapter may be deemed and prosecuted as a misdemeanor. This chapter may be enforced by appropriate equitable relief, including injunctive relief.

(Amend. of 03-01-2010)

Sec. 4-6. - Rabies tag.

It shall be unlawful for any dog, cat, or ferret owner to fail to comply with the state laws relating to the control of rabies, and it shall be unlawful for any dog, cat, or ferret owner to fail to provide such dog, cat, or ferret he owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with state

law, and to take such action as is necessary to see that the tag is worn by such dog, cat, or ferret at all times except as otherwise provided in this chapter. It is the purpose of this chapter to supplement the state law by providing a procedure for the enforcement of state laws relating to rabies control. Unless proof of vaccinating is available, it shall be the duty of the county administrative staff to give every person who owns, redeems or adopts a dog, cat, or ferret a proof of rabies vaccination card and a record will be maintained of the vaccination. In addition to all other penalties prescribed by law, a dog, cat, or ferret is subject to impoundment in accordance with the provisions of this chapter if the dog, cat, or ferret is found not to be wearing a currently valid rabies tag. It shall be unlawful for any person to use or display a vaccination tag for a dog, cat, or ferret other than the dog, cat, or ferret for which the tag was issued.

(Amend. of 03-01-2010)

Sec. 4-9. - At large animals off-premises and not under direct control.

It shall be unlawful for an owner or any other person maintaining an animal in the county to permit or negligently allow an animal to be at large. An owner may lawfully permit an animal which is not dangerous or vicious to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting if under the control of the owner. However, this provision does not exempt an owner from otherwise complying with the provisions of this chapter.

(Amend. of 03-01-2010)

Sec. 4-10. - Vicious animals.

The Johnston County Animal Services Department Head may exercise the authority granted to the local health director by G.S. 130A-200; provided, this does not in any way limit the authority of the local health director to exercise such authority.

(Amend. of 03-01-2010)

Sec. 4-11. - Teasing and molesting.

It shall be unlawful for any person to tease, molest, or bait any animal not belonging to him or legally under his control.

(Amend. of 03-01-2010)

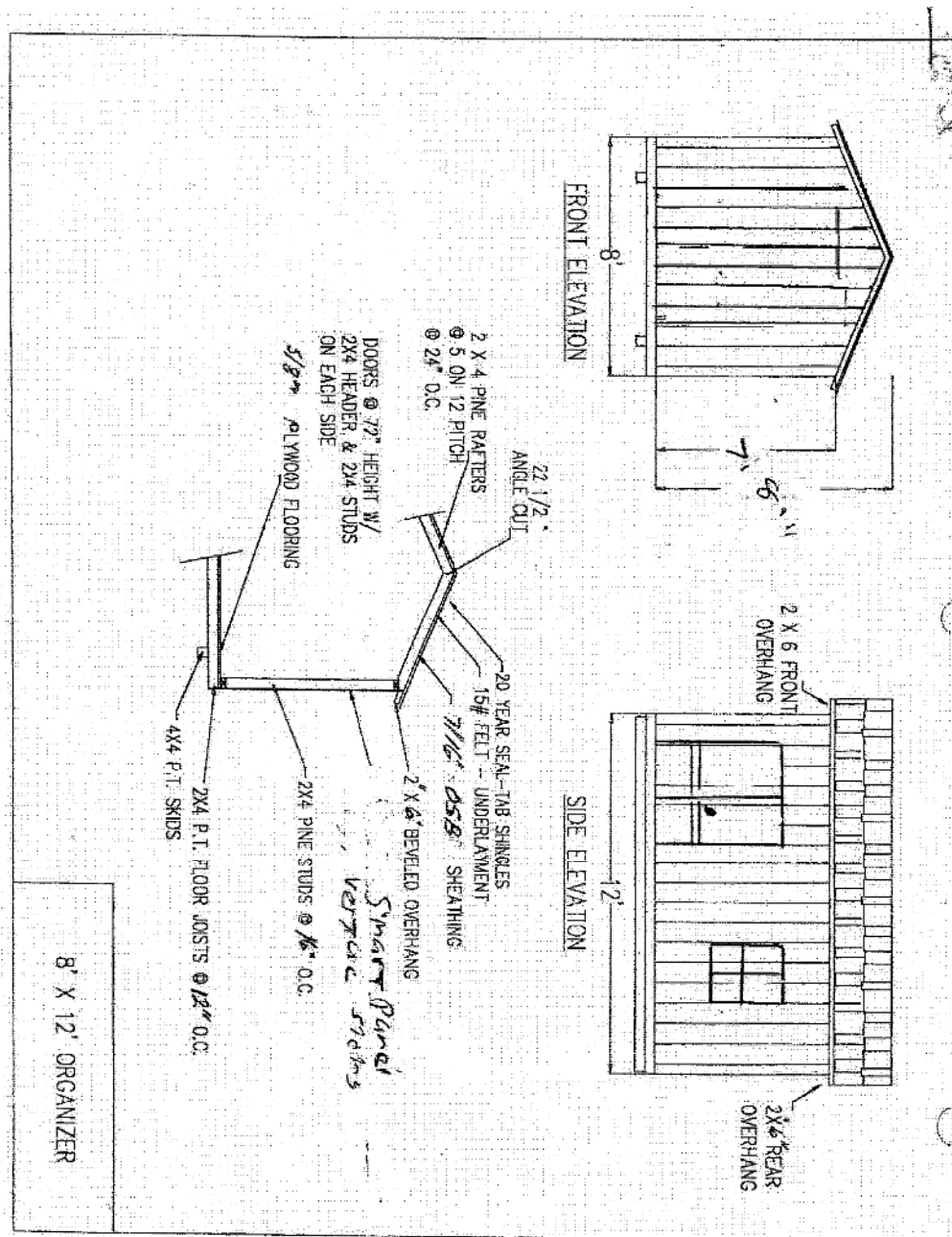
Sec. 4-12. - Nuisance ordinance enforcement.

The Animal Services Department is authorized to enforce the provision of [chapter 12](#), Article II of the Johnston County Code of Ordinances with regard to noise made by animals.

(Amend. of 03-01-2010)

EXHIBIT D

SAMPLE OF APPROVED SHED DESIGN



The foundation of the shed must be enclosed with framed lattice, bricks, masonry, or screening plants. Owner must submit paint or stain color samples with application. Owner must submit a plat map showing the proposed location of the shed. Preferred location is at the rear of the home, but alternate locations will be considered in the event of topographical issues on lot. Shingles must match shingles on home.

Other shed designs may be submitted. Maximum shed size allowed is 10' x 12'.