

# **Ashley Farm Homeowners Association**

## **Rules and Regulations With added "*Clarification of Terms*"**

The primary purpose of the rules is to reiterate, clarify or develop the covenants and restrictions and to establish fines for violation of these rules. Fines will be determined as appropriate by the Board of Directors with the Management Company. The rules have been approved by the Board of Directors.

The Association, through the Board, is empowered to enforce the covenants and restrictions and associated rules through legal action as may be deemed appropriate. In addition, any violation shall be subject to the imposition of the following measures at the discretion of the Board of Directors:

The imposition of reasonable fines shall be added to and become part of the assessment against the property of the violating owners. Fines will be the personal obligation of the owners of such property as well as a lien against the property. Failure to pay the assessment in full may lead to foreclosure of the property.

Prior to impositions of any sanction, the Board, through its Management Company, shall serve the alleged violator with written notice describing:

1. The nature of the alleged violation.
2. A period of not more than seven (7) days within which the alleged violator may challenge the allegation in writing to the Management Company.
3. The proposed sanction to be imposed.
4. A statement that, unless a challenge is made within seven (7) days, the proposed sanction will be imposed.

If a hearing is requested within the allotted seven (7) day period, the alleged violator will be given a reasonable opportunity to be heard. The Board of Directors may, but shall not be obligated to, suspend any proper sanction if the violation is resolved within the seven (7) day period. Such suspension shall not constitute a waiver of the provisions and rules by any person.

The Association, acting through the Board of Directors, or its Management Company, may avail itself or other remedies provided by the covenants and restrictions and rules to enforce any provision of the foregoing, including suit at law to recover monetary damages or in equity to enjoin any violation or both, without the necessity of compliance with the notice and hearing procedure set forth above. In such action, to the maximum extent possible, the owner responsible for the violation for which abatement is sought shall pay all costs including reasonable attorney's fees actually incurred.

If a property is rented, the owner of the property shall be held accountable for any violations incurred by his tenant.

It is the responsibility of the owners and residents to comply with the covenants and restrictions and rules and to inform guests, visitors and tenants of these covenants and restrictions and rules. Homeowners have full responsibility for the conduct of their guests, visitors and tenants.

It is the responsibility of the Board of Directors to enforce the covenants and restrictions and rules.

**NOTE:** It is not the responsibility of the Board of Directors to enforce the law. Breaches of the law can be dealt with only by those entities authorized to do so. The rules below will identify which items are a breach of the law. Where possible, recourse will be indicated.

### **Reporting Violations**

Any resident wishing to report the violation of a covenant, restriction or rule must do so in **WRITING** to either the rules enforcement committee or to the Management Company. The written account of the violation must include:

1. The name, address and telephone number of the person making the report.
2. The name (if known) and address of the resident in violation.
3. The date(s) the violation occurred.
4. The exact nature of the violation.
5. The covenant, restriction or rule covering the violation.

The name of the individual reporting the violation will not be knowingly disclosed to the violator.

### **Financial Matters**

1. The Board of Directors, through the Management Company as required, will manage association funds. Individual association members may not spend association funds without prior written permission from the Board.
2. Any contract for goods or services for the association must be signed by the Board of Directors or the Management Company. Individual association members may not enter into any contract on behalf of the association without prior written permission from the Board.

Any individual in violation of the above rules will be fined an amount equal to the value of the funds spent or the value of the contract signed of the liability incurred by the contract.

### **Late Fees**

Late fees will be \$25.00 per month after January 31<sup>st</sup> each year.

### **Fines for Violation of Rules & Regulations**

After a seven (7) day notice, if the violation is not rectified, there will be a fine assessed of \$100.00 per day until violation is corrected.

### **Exterior Maintenance**

1. The yards of each lot shall be maintained so as to be neat and clean at all times including enclosed portions of the lot. Grass will be mowed on a regular basis including trimming grass along fences, walls, etc. There will be no grass or weeds in driveways. Trees and bushes will be trimmed as needed.

#### ***Clarification of Lawn Maintenance will include the following details:***

- *Edging* - will be done so that grass does not exceed more than 2" over non-grassed area. This will include interfaces between the grass and the cement curb, natural areas, sidewalks, driveways, planters and any other structure that is part of the landscaped area.
  - *Grass Height* – All lawns will be maintained so that the grass is uniform and between 2-7 inches in height. (For example; this may amount to mowing 1x/week during the months of May, June, July, August and September, but less during the winter months.)
  - *Hedges* – Hedges must be maintained so that the individual branches do not exceed 6 inches from the general form of the plant.
  - *Weeding* - There should be no weeds in natural areas, flower beds or areas viewable from the street front. This will also include grass growing between the seams of cement blocks in the driveways, sidewalks, any masonry landscaping, as well as the interface between the street and the cement curb.
2. Private property will be maintained in a neat fashion. Painting and general maintenance will be performed as required. There shall be no missing parts of the property such as shutters, etc.

#### ***Clarification of Structure Maintenance will include the following details:***

All dwellings and structures on properties will be maintained within the following specifications.

- *Painting* – All surfaces must be covered with at least one uniform coat of paint. Weathering of these surfaces to the point where chipping and disrepair is visible from the street front is a violation and will require repair.
- *Siding and Trim* - All siding and trim must be maintained so that they are free of dents or appearance of being in disrepair from the street front. Trim with wood rot visible from the street front is a violation and will require repair.
- *Windows* - Windows and Screens must be free from dirt. Torn screens and broken windows are a violation and will require repair.

3. The Board of Directors must approve the erection of, or modifications to, any structure on the property or any changes to the external colors of the property (see M/I Home colors on page 6). Initial relevant application may be made to the architectural committee.
4. No structures, personal play equipment or unsightly item shall be erected or placed in the front yards. Garbage containers, trash cans, wood piles, dog houses, pet yards or cages, and clothes drying areas must be located so that they are not visible from the front street.
5. Satellite dishes which do not exceed eighteen inches in diameter and which are not visible from the front street are permitted.

### **Parking**

1. Vehicles shall not be parked, driven across or driven on to lawn. Vehicles must be parked in garages, driveways, or on designated sides of the road.
2. All vehicles must be properly licensed and have a current inspection sticker displayed.
3. All tires on any vehicle, including motorcycles, must be inflated at all times.
4. No inoperable or wrecked vehicles of any type may be retained on the property. No vehicle may be retained on blocks or jacks.
5. Business vehicles, trailers, etc. may not be kept at the property **if** this creates a nuisance. No oversized vehicles are permitted on the property.
6. Business owners' employees may not park their vehicles at a property if this creates a nuisance.
7. Campers, boats, trailers, RV's or motorcycles must be parked so as not to extend beyond the front line of the house. They must be parked in the garage, at the side, or behind the house, and not be unsightly.

#### ***Clarification of Parking Restrictions will include the following details:***

Parking of personal automobiles will be done on permanent parking areas only. Permanent parking areas include the driveway, cement parking extensions of driveways, and garages. Commercial trucks and trailers must be parked on property so that they are not visible from the street front.

### **Common Areas**

1. The common areas must be used solely for the purposes intended.
2. No portion of the common areas may be decorated without prior written approval of the Board.

Persons using the recreational and common areas are responsible for picking up and disposing of their own litter including animal waste.

### **Noise and Nuisance**

1. Any property owners shall not make or permit any disturbing noises on his property or common area by himself, his guests or tenants. Nor shall he do or permit anything to be done by such persons that will interfere with the rights, comfort or convenience of other residents.
2. Property owners shall not play any musical instrument or operate sound equipment, record players, stereos, CD players, television sets or radios in such a manner as to disturb or annoy other residents.

Any breach of the noise and nuisance rules is a matter of law. If enforcement is required, please call the police department.

### **Pets**

1. When not contained on owner's property, all dogs must be kept on a leash.
2. Excessive barking, whining or other disturbing noises caused by dogs are not permitted.
3. Pets should not be left unattended on patios or decks or in yards for extended periods of time.
4. The community endorses all local animal control ordinances. Any excessive barking, whining or disturbing noises caused by animals, which constitutes nuisance, is prohibited by Mecklenburg County. Mecklenburg County upholds the leash law and does not allow dogs to run free. Mecklenburg County Animal Control rules are in effect. If enforcement is required, please call Charlotte Mecklenburg Animal Control

Charlotte-Mecklenburg Police Department  
Animal Control Bureau  
8315 Bynum Drive  
Charlotte, NC 27217  
Telephone: 704/336-3786

5. Any damage to the common areas caused by animals will be the responsibility of the Owners.

All lawn, car, and parking violations will require correction within 7 days of receiving the notification of violation. Owners with Structural violations (which will include adding a cement parking area) will be given 30 days from receipt of the violation to contact the Homeowners Association's Board of Directors with an action plan. The action plan must include a date of starting the structural improvement and a completion date.

## M/I Home Colors

<u>Siding</u>	<u>Trim/Garage Door</u>	<u>Front Door/Shutters</u>
Biscayne Blue	White	Hidden 5494
Biscayne Blue	White	Row house (Rust or Burgundy)
Desert Sand	White	Hummingbird
Desert Sand	Beige	Warmth 5234
Champagne	White	Misa 5254
Sandstone	White	Black
Pebble stone Clay	Beige	Forest Green
Pebble stone Clay	Beige	Row house
Pebble stone Clay	White	Castle Rock (Gray)
Cameo	White	Castle Rock
Victorian Grey	Silver Grey	Hidden
Victorian Grey	White	Parliament (Blue Grey)
Beige	White	Lock Ness (Grey)
White	White	Black
White	Silver Grey	Highland Grey
Sage	White	Linden Green
Silver Grey	White	Castle Rock
Sandstone	White	Flint

The colors indicated are DURON colors. Equivalent colors from other paint manufacturers may be used. Any deviation from these colors must not be made without the prior approval of the architectural committee or the Board of Directors.