

Community Guidelines for Mallard Woods Community

Created September 2021

This document does not replace the current Declaration of Covenants, Conditions and Restrictions for Mallard Woods, dated November 22, 1995, or Bylaws. This document serves as a quick reference guide for maintaining the Mallard Woods community and to protect your investment as a homeowner, preserve the aesthetic of the community and enforce the community Covenants, Conditions and Restrictions and Bylaws.

Definitions:

HOA – Homeowner Association

Board – Mallard Woods Homeowner Association Board of Directors

1. Payment of Annual Dues

- a. Dues are assessed annually and are due March 1 of each calendar year. A partial payment plan with fees is also optional. Details on the partial payment plan are included in the annual assessment invoice notice.
 - i. Payments can be made via: Check and/or money order when mailed to the PO Box.
 - ii. PayPal sending to mallardwoodshoa@gmail.com. PayPal options require an additional \$10 fee to cover the fees charged by PayPal.
 1. Using PayPal you must pay the full amount.
 - iii. Split fee option: paying half + \$5.00 split fee on the 1st of March and the 1st of April. Check and/or money order when mailed to the PO Box.
- b. Dues are considered past due if they are not paid within 15 days of the due date.
- c. A late charge of \$20 will be assessed after 15 days and every 30 days thereafter.
- d. The homeowner will receive a written/email notification regarding delinquency. If not paid, a second notification will be sent. After 30 days or if no resolution plan has been defined between the HOA and the homeowner, collection action will begin.
- e. Costs to collect past due assessments to include interest, collection fees, reasonable attorney fees, late charges and fines will be the responsibility of the homeowner.
- f. If 60 days past due, a lien will be filed for unpaid dues plus late fees and legal costs.
- g. Following a hearing, the homeowner's voting rights may be suspended until the assessment is paid.

2. Residential Modifications

- a. All lots shall be used for single family residential purposes only.
- b. General aesthetics of the home should be maintained such as fixing rotting wood, roof, siding, windows, and door repairs.

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- c. No modifications can be made to the exterior of the property without pre-approval from the HOA to include but not limited to shed, porch, deck, concrete slab, fence, driveway modification, adding solar panels, roof replacement, garage additions/modifications.
- d. Window shutters and doors should match. A paint color scheme was selected by the original builder and those colors or similar colors should be maintained. Any deviation must be approved by the HOA.
- e. Siding and trim colors was determined by the original builder and those colors or similar colors should be maintained. Any deviation must be approved by the HOA.

3. Animals and Pets

- a. No animals, livestock or poultry of any kind shall be raised, bred, pastured, or maintained on the property except household pets.
- b. No pets are allowed which could disturb or compromise the health or safety of other residents.
- c. No pet should infringe upon the property rights of other owners. If there is an infringement that cannot be worked out between neighbors, contact Animal Control.
- d. No more than three pets over the age of six months shall be permitted at any time.
- e. The HOA will follow animal control guidelines/restrictions defined by Charlotte-Mecklenburg Ordinance Law <https://charlottenc.gov/AnimalsCMPD/AnimalLaws/Pages/CharMeckOrdinances.aspx>
- f. Pet feces must be picked up promptly and disposed of properly.
- g. Foul odor from pets that become a nuisance to neighbors must be cleaned-up.
- h. Dogs and cats must be on a leash and or be always under the physical control of a responsible person while outside the property of the homeowner.
- i. Pets may not be left unattended outdoors.

4. Signs

- a. No advertising signs of any type or kind shall be erected, placed, or permitted to remain upon or above any lot or common area except for "For Rent" or "For Sale" and security warnings.
- b. Congratulatory signs may be displayed for no more than 10 days or until they become frayed or tattered (whichever comes first).
- c. American flag maybe be displayed.
- d. No flag should exceed 4x6 feet.

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5. Home Usage:

- a. Each home shall be used for **residential only** and no trade or added business uses except those in which the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the residence; the business activity does not create heavy volume traffic coming into the community or door to door solicitation of residents, the business activity conforms to all zoning requirements for the community and the business activity is consistent with the residential character of the community and does not constitute a nuisance, hazard or is offensive. The business should not threaten the security or safety of other residents of the community.

6. No offensive or illegal activity shall be carried out on any Lot.

7. Firearms: The discharge of firearms on the property is prohibited. Firearms includes B-B guns, pellet guns and other firearms of all types regardless of size.

8. No selling of drugs, illegal substances, fighting, or raucous behavior.

9. No loud music from radio, television, or electronic devices. Per Mecklenburg ordinance, loud music occurs if “the sound exceeds the specified limits, and it is determined that the sound is -- using a reasonable person’s standard and taking into consideration the day of week and time of day -- unreasonably loud and disturbing to the quiet enjoyment and use of residentially occupied property”. If a homeowner continually violates the policy, code enforcement or CMPD will be contacted.

10. Trash

- a. Lots should be maintained free of trash, garbage and debris that would cause the property to look unsightly or unkept. Residents are responsible for cleanup of trash can spillage.
- b. Trash disposal cans should be pulled to the curb no earlier than the day before the collection day and must be removed by midnight on the collection day. Rollout containers should not block the sidewalk.
- c. Trash cans should be stored out of sight of the front of the home. Place them in the garage, backyard or past the corner of the house.
- d. In the event the owner is absent, arrangements should be made to remove the containers from the street in accordance with above guidelines (b).
- e. Special pickup/large item trash, furniture, appliances, and garbage, should not be place on the curb earlier than one day prior to scheduled pickup.

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- f. **Bulky trash pickups can be scheduled online.** Resident must schedule pickup prior to placing it at the curb. <https://servicerequest.charlottenc.gov/service/BULKITEM>
- g. Details on trash, recycle and bulk trash removal can be found at the following website: [Solid Waste Services Home \(charlottenc.gov\)](#) or by calling 311.

11. Installation of **satellite dishes, antennas, solar panels** must be approved by the HOA.

12. Home Appearance/ Yard/Grass/Shrubs/Weeds/Sidewalks

- a. Dead bushes, shrubs, and trees should be removed.
- b. Trees should be pruned so as not to block public sidewalks or create a hazard from fallen branches.
- c. Tall weeds and grass (overgrowth exceeding 12 inches) causing property to appear unsightly and overgrown is not acceptable. Minimize weeds by adding pre-emerging weed killer or similar product.
- d. Grass should be removed from cracks in the driveway.
- e. Algae, mold, mildew and grime should be removed from siding when it becomes noticeably visible from the street.
- f. Broken or tattered yard art, pots, door decorations should be removed.
- g. Vehicle fluid stains should be removed from driveway and areas in front of your home.

13. Walls, Fences, Hedges

- a. The following fence types are approved for use within the Mallard Woods subdivision not to exceed six feet in height: white vinyl, wood split rail, wood dog eared panels, black wrought iron.
- b. All existing fences are grandfathered unless they are 60% damaged and need repair/replacement.
- c. Homeowners are responsible for maintaining their fence in good and proper repair and cleanliness so that it presents a neat and orderly appearance. It is also the responsibility of the homeowner to maintain the grass in front of and behind the fence on their property.
- d. Wire fencing may be attached to the interior of or made a part of any fencing so that it provides adequate barrier to contain pets.
- e. No fence can be installed on a residential front yard.
- f. Hedges shall be maintained and neatly trimmed on all sides.
- g. Any fence deviation must be pre-approved by the HOA.
- h. No exposed concrete block can be erected as a fence or wall.

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14. **Sheds** may be added to the exterior back of property not to exceed 20x20 feet in area and should be constructed of materials like those used in the residence. Sheds made of metal cannot be more than 10x10 feet and located behind the rear wall of the residence. An ARC must be submitted and approved prior to installation.

15. Pools

- a. Pools are permitted upon lots but must be located directly behind the residence and screened from view by a six-foot privacy.
- b. Pools must be fenced in limiting access to adults and to keep children from entering the pool unsupervised.
- c. New pool installations must be pre-approved by the HOA.
- d. Residential Pools must follow [Mecklenburg Country Rules](#).

16. Driveway and Parking

- a. Only driveways and parking areas constructed of concrete or brick are allowed.
- b. Modifications to the original driveway must be preapproved. This pre-approval also applies to modifying the “hourglass” design seen throughout the community.
- c. **Parking of vehicles for each home should be:**
 - i. **FIRST** in garage, **SECOND** on the driveway
 - ii. **Parking on the street should be at a minimum and should NOT impede traffic flow or line of sight issues.**
 - iii. **Parking on both sides of the street on smaller streets is prohibited. Streets with restrictions are: Cheryl Anne, Lanshire Court, Mallard Green, Mallard Pine, and Shelly Pines.**
- d. All streets in the Mallard Woods subdivision are city-maintained streets making it illegal to park facing the flow of traffic.

17. Vehicles, Boats and Trailers

- a. All vehicles, boats, trailers, recreational vehicles, or similar vehicles must be parked on driveways constructed of concrete or brick.
- b. Modifications to driveway to accommodate boats, trailers, etc. must be pre-approved by HOA.
- c. Commercial vehicles, when in the area to perform service or repair work must not block normal access of other residents.

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- d. All streets in the Mallard Woods subdivision are city-maintained streets making it illegal to park facing the flow of traffic.
- e. No partially rusted, junked, wrecked, dismantled vehicles, vehicles with flat tires, untagged vehicles or hazardous vehicles can be stored in visible site on the property or street in front of property. A vehicle awaiting repair may not be parked for more than 7 days.
- f. Car maintenance can only be performed in limited capacity such as short-term emergency work, fluid change, brake repairs, tire rotation or repair and changing of battery and/or when maintenance can be completed in one day.
- g. Vehicles leaking fluids that damage or stain concrete driveway (motor oil, brake or transmission fluids, coolants, etc.) and appear unsightly or unkempt must be cleaned up.
- h. No parking on any grass areas.
- i. No vehicle shall be parked in any manner which blocks any street driveway, ingress or egress of any garage other than the owners.
- j. Reckless operation and excessive speed exceeding posted speed limits is prohibited.

18. Basketball Goals

- a. Basketball goals are permitted on homeowner lots and must be maintained in a neat and orderly condition.
- b. Basketball goals are not permitted on public streets or in the cul-de-sac of any street areas unless for short-term use that does not impede traffic flow or become a nuisance to neighbors.

19. Mailboxes

- a. The Division of Highways will only allow non-rigid or break away type posts such as a 4" x 4" wooden or small diameter metal pipes.
- b. Damaged, rusted, broken door mailboxes or post must be repaired.
- c. Replacement of mailboxes, if changed, require written ARC approval before installation.

Resolution of Violations

- 1. The first notification (letter or email) will be a notice requesting that the stated infraction be resolved within 5 days, per the CCR's for Mallard Woods.
- 2. The second notification (letter or email) will be sent after 30 days from the original notice indicating that the homeowner attending a hearing with the Board to provide their defense of the violation.

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- a. A homeowner will not be fined until they have had due process. The homeowner does not have to be in attendance for the Board to hold the hearing.
 - b. If the homeowner chooses not to attend, then the Board will proceed with the hearing and notify the homeowner of the decision and resulting fines, etc.
3. After the hearing, the Board will discuss the violation and whether to fine the owner or allow additional time for resolution.
4. The third notification (letter or email) will be a "Hearing Results Letter" The HOA can start fining the owner 10 days after the Hearing Results Letter is sent to the owner.
5. Fines are assessed as follows: \$25 monthly until violation is resolved.
6. If there are ongoing infractions and second occurrences of the same infractions, a "notification of assessment" will be sent informing the homeowner that they are again in violation and they will be fined without going through the resolution steps identified previously.
7. Notification will be sent to homeowners and if the violation is against their tenants, they are responsible for notifying the tenant and/or resolving the infraction.

Amendments

These community guidelines may be subject to change or modification by a majority vote of the HOA Board.