

Vacant Lot Maintenance

Regulations

The character and appearance of the community as well as overall property values greatly depends on the upkeep of lots. This is found to be particularly applicable to unimproved lots. The Firefly Cove POA Board of Directors therefore has adopted the following regulations regarding upkeep of unimproved properties in Firefly Cove. These regulations are effective as of January 1, 2016.

Section 1

Open and Grassy Lots

- 1.1 The following vacant lots are considered open and grassy lots. Lots 7, 10, 13, 15, 19, 20, 23, 26, 27, and 28.
 - 1.1.1 Owners of open and grassy lots are required to maintain a schedule of mowing throughout the growing season, being defined as April 1 through September 30, that keeps the lot's vegetation at approximately lawn height.
 - 1.1.2 The required mowing schedule is:
 - a. From April through September, the mowing cycle will be no less than twice per month at regular intervals.
 - b. From October through March, the mowing cycle will be once per month, unless the mowing standards set out below remain satisfied without mowing.
 - 1.1.3 Mowing Standards
 - a. Grass must be cut between 3½ to 4 inches.
 - b. Grass must be string trimmed (weed eated) around any existing trees, boulders, utility poles, utility boxes, telephone terminals, and cable transformers.

- c. If a lot is located and bound by creeks, ponds, catch basins, or other water features, the grass must be string-trimmed down to the water front.
- d. Grass must be edged along the roadway.

Section 2

Partially Wooded Lots

- 2.1 The following vacant lots are considered partially wooded lots. Lots 30, 31, 32, 33, and 34.
 - 2.1.1 Owners of partially wooded lots are required to regularly string trim (weed eat) between trees and on the hillside so that the lot is always kept clear of brush, dead wood and weeds.
 - 2.1.2 The required mowing schedule is:
 - a. The mowing cycle will be once per month, unless mowing standards remain satisfied without mowing.
 - b. It is the responsibility of each Lot Owner to prevent any unclean, unsightly, or unkempt condition of buildings or grounds to exist on the Lot Owner's property.
 - c. Mowing standards set forth in Section 1.1.3 shall also apply to partially wooded lots.

Section 3

All Other Vacant Lots

- 3.1 All other vacant lots are considered fully wooded and no maintenance is required. Owners of fully wooded lots, while not required to mow or string-trim within the dense layer of trees, are expected to adhere to Article 7 Section 14 of the Firefly Cove Covenants so as to keep a neat, well-maintained appearance.

Section 4

All Lot Owners

- 4.1 All Lot owners are expected to abide by Article 7 Section 14 of the Firefly Cove Covenants as stated in 4.1.1.
- 4.1.1 Lot Upkeep. It is the responsibility of each Lot Owner to prevent any unclean, unsightly, or unkempt condition of buildings or grounds to exist on the Lot Owner's property. The Declarant or the Master Association shall have the right, but not the duty, to enter upon any property for the purpose of abating any unclean, unsightly or unkempt condition of buildings or grounds which tend to decrease the beauty of the specific area or the neighborhood as a whole. The cost of such abatement and any damage resulting from such entry shall be at the expense of the specific Lot Owner and said entry shall not be deemed a trespass.

Section 5

Penalties and Remedies

- 5.1 Vacant lots that fail to meet the minimum standards of the previous Section will be subject to the following Penalties and Remedies.
- 5.1.1 For the first violation, the lot owner will be notified by the Secretary of the Board to remedy the situation within 10 days.
- 5.1.2 For the second violation, the Firefly Cove POA Board will contract out for mowing and/or maintenance. The lot owner will be assessed the actual contractor's charge plus an administrative fee of one hundred dollars (\$100.00). The assessment must be paid to the association within 30 days.

- 5.1.3 For subsequent violations, the Board shall follow the legal remedies as set forth in North Carolina General Statutes Chapter 47F: North Carolina Planned Community Act.

§ 47F-3-107.1. Procedures for fines and suspension of planned community privileges or services.

Unless a specific procedure for the imposition of fines or suspension of planned community privileges or services is provided for in the declaration, a hearing shall be held before the executive board or an adjudicatory panel appointed by the executive board to determine if any lot owner should be fined or if planned community privileges or services should be suspended pursuant to the powers granted to the association in G.S. 47F-3-102(11) and (12). Any adjudicatory panel appointed by the executive board shall be composed of members of the association who are not officers of the association or members of the executive board. The lot owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under G.S. 47F-3-116. If it is decided that a suspension of planned community privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. The lot owner may appeal the decision of an adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision. The executive board may affirm, vacate, or modify the prior decision of the adjudicatory body. (1997-456, s. 27; 1998-199, s. 1; 2005-422, s. 4.)

- 5.1.4 Since Firefly Cove lots have great variety, the POA Board is committed to work with owners on a case-by-case basis to determine the most reasonable maintenance policy based on the topography and existing vegetation on the lot.