

Violation Categories & Fines

MAGNOLIA TRACE | NEEDS BOARD APPROVAL - NOT YET APPROVED

Proposed policy. This document contains proposed violation categories and fines.
Parking rules are provided in a separate document.

NEEDS BOARD APPROVAL - NOT YET APPROVED. No adoption or effective date.

Violations and enforcement

Authority: Declaration Article II, Section 2(a); Article VIII, Section 1; Article XIII, Section 1; Bylaws Article VII, Section 1(j); N.C. G.S. 47F-3-102(12) and 47F-3-107.1. Governing documents and applicable law control. This policy does not amend the Declaration or transfer HOA duties to owners.

Violation category	Existing basis and enforcement boundary
Nuisance / excessive noise	Declaration Art. VIII, Sec. 3 (p. 15). Document the conduct, frequency and effects. No specific quiet hours are established by that section.
Pets and pet waste	Art. VIII, Sec. 4 (p. 15) addresses household pets, control and nuisance. The immediate pet-waste cleanup rule below is an express common-area rule. Consider required accommodations before enforcement.
Trash / recycling containers	Art. VIII, Sec. 15 (p. 17): comply with governmental collection requirements and screen containers from streets and other lots. No new collection-day deadline is created here.
Unapproved exterior work	Art. VI (pp. 12-14); Art. VIII, Sec. 9 (p. 16): required architectural approvals, including fences, walls and hedges. Preserve qualifying submissions' 60-day deemed-approval provision and its missing/inaccurate-information exception.
Common-area misuse or alterations	Art. VIII, Secs. 10-11 (pp. 16-17): alterations need Association direction or express written consent; use must suit intended purposes and valid rules.
Neglected owner maintenance	Art. V, Secs. 1-3 (pp. 11-12): owner duties include glass, doors, windows, screens/frames, rear decks, skylights, courtyard landscaping and HVAC. Ordinary roof, gutter and exterior-building maintenance generally belongs to the HOA.
Window coverings / stormwater	Art. VIII, Sec. 14 (p. 17): white or neutral exterior-visible coverings unless another color is approved. Sec. 21 (p. 18): preserve drainage and comply with current permit requirements.
Parking	Declaration Art. VIII, Sec. 12 (p. 17), plus valid adopted parking rules. Rule 13 establishes a no-on-street-parking restriction for private Association-controlled streets, subject to the stated exceptions. See the separate proposed Parking Rules.

Pet-waste cleanup rule

A person handling a pet shall immediately collect its waste from common elements and place it in a tied bag in an appropriate trash receptacle. Waste and filled bags shall not be left on the ground, sidewalks, landscaped beds or beside disposal stations. Owners shall inform household members, tenants and guests of this rule. An owner may be charged only where evidence and governing authority establish that owner's responsibility. Required accommodations will be considered.

These are principal enforcement categories, not an exhaustive restatement of the covenants. Legally protected signs, displays, antennas and animal accommodations require individual review.

Violation Fine Schedule

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The following schedule applies to general violations and parking, with a separate \$100 pet-waste fine. All fines must be reasonable, supported by evidence and imposed after the hearing process. These amounts are established by this policy and are not quoted dollar amounts from the CC&Rs or bylaws.

Violation finding	Fine
First ordinary occurrence, corrected by warning deadline	No fine
First established ordinary violation after warning opportunity	\$50
Separate repeat of the same rule within 12 months	\$100 per incident
Continuing violation after decision	\$50 per day, if expressly ordered
Pet waste: first or subsequent separate proven incident	\$100 per incident; no separate courtesy warning

Rules for applying the schedule

Separate incidents: A repeat is a new event after the prior conduct has ceased or been corrected. It needs a new charge and hearing process. An unresolved condition is continuing, not a new repeat every day. Do not divide one incident into multiple charges merely to increase the fine.

Continuing conditions: Under G.S. 47F-3-107.1, daily fines may begin only more than five days after the decision. State the exact start date, no earlier than the sixth day after the decision, and verify ongoing noncompliance. Do not charge both an incident fine and a continuing fine for the same conduct on the same day. Review daily-fine cases at least every 30 days.

Pet waste: Use incident-based fines. Do not accrue daily fines after the waste has been removed, or simply because someone has prior offenses. The scheduled \$100 is a maximum scheduled amount, subject to a reasonable individual decision.

Repeat period: Count prior written findings of the same rule within the preceding 12 months. Reset the escalation level when no qualifying finding remains in that period.

Costs and towing are separate

Actual cleanup or damage costs may be charged only where governing authority and evidence establish owner liability. Provide photographs or other evidence, an itemized actual cost and an opportunity to dispute responsibility. Do not add an arbitrary cleanup or administrative charge to bypass the fine limit.

Towing must follow the separate proposed Parking Rules and applicable law. A fine hearing is separate from a lawful towing procedure; neither automatically authorizes the other. Refer liens and collections to counsel. This policy does not authorize denial of access to a home.