



# Living in Muirfield Village

## Property Policies

### Section 4

*Rules and regulations enacted by the Muirfield Association, Inc. to provide a framework for its operation and management.*

## **Assessment Collection Policy**

The Collection Policy is in accordance with Article 2 of the Warranty Deed and addresses the application and use of the annual assessment fees and deed enforcement fees.

### **Annual Assessment Fees**

The annual assessment billing is usually mailed at the end of January of each year. Payment is due and considered late if not received within 30 days.

Interest in the amount of 8% per annum shall be incurred on late payments.

Delinquency of more than 90 days may result in legal action for a personal judgment and in addition, shall have the right to enforce and foreclose the lien. Any costs, including attorneys' fees, recording costs, title reports and/or court costs, incurred by the Association in the collection of delinquent assessments shall be added to the amount owed by the delinquent Owner.

Unpaid assessments may result in the suspension of owners/residents rights to use the common property and elements. (See Sec. 5.05)

Payments received are allocated to the owner's account in the following order:

1. Interest and/or administrative late fees;
2. Collection fees and/or legal fees;
3. Principal amount owed for common expenses and assessments.

Owners may request a certificate stating that all annual charges or installments thereof (including interest and other fees, if any) have been paid with respect to any specified unit as of the date of such certificate. In the event that all charges and installments thereof have not been paid, the certificate must set forth the amount (including interest and fees, if any) due and payable as of such date. The Association may charge a reasonable fee for this certificate.

### **Deed Enforcement Assessment Fees**

If any owner fails to perform any act that he/she is requested to perform by the Warranty Deed, Bylaws, Design Standards or other Rules and Regulations, the Association may, but shall not be obligated to, undertake such performance or cure such violation and shall charge and collect from the owner the entire cost and expense, including reasonable attorney fees, of such cure incurred by the Association. Any such amount shall be deemed to be an additional assessment and shall be due and payable immediately following notification of such charge and the Association may obtain a lien for said amount in the same manner and to the same extent as if it were a lien for common expenses.

## **Annual Assessment Procedures**

### **First Notice**

- The Annual Assessment invoice is sent out.
- The annual assessment is due within 30 days after being levied.
- Owners are advised that interest will be added to late payments.

### **Second Notice**

Should the debt remain unpaid after 30 days of the date of the invoice:

- MAI sends owners a statement (2<sup>nd</sup> notice).
- This notice advises owners that interest will be added to the account in 15 days.

### **Third Notice**

After 45 days of the date of the original invoice and the debt remains unpaid:

- MAI sends owners a statement which includes interest (3<sup>rd</sup> notice)
- This notice advises owners that legal action will be taken if account remains unpaid.

After 60 days of the date of the original invoice:

- MAI staff notifies the attorney of these delinquent accounts.
- The Association's attorney will send a letter to those owners.

After 90 days has passed without payment:

- MAI staff sends the Association attorney a list of 90-day delinquent accounts.
- The association's attorney is authorized to automatically file a lien against any account that is delinquent more than 90 days and release said lien upon satisfaction.
- The Association's attorney will solicit authorization from the Board of Directors to file a Complaint of Foreclosure against any Lot with an account that has a balance more than \$3000.00.

At any time, should another lien holder issue a Complaint for Foreclosure; the Association's attorney will file an Answer to protect the Association's interest if there is no lien. They will file an Answer and a Crossclaim against the owner if there is a lien in order to pursue the amount owed to the Association. The Crossclaim may be dismissed only upon receipt of payment in full.

THIS PROCEDURE WAS APPROVED BY THE BOARD OF DIRECTORS ON **1/28/2013** AND REMAINS IN EFFECT UNTIL DULY CHANGED BY THE BOARD.

## Common Elements Policy

The common elements are all the areas owned by the Association and enjoyed by all owners and residents of Muirfield Village. The Association appreciates your commitment to do your part in keeping the common elements clean, safe and pleasant for all Residents. Listed below are some of the areas with rules specific to them.

### **PONDS & LAKES**

The Muirfield Village lakes were built to assist with storm water overflow and prevent flooding which makes them retention basins. Water levels constantly fluctuate through the year. Residents are encouraged to enjoy the beauty and ambience they provide, however, their use is limited.

- Residents and their guests may fish in the Association-owned lakes. Remember to take home all fishing supplies and refuse when leaving the lakes.
- Many of the lakes are surrounded by homes. Use common courtesy and refrain from loitering in these areas out of respect for the privacy of fellow owners.
- The lakes within the golf clubs that are private property are not for Muirfield residents' use. Golf club management has reported that trespassers will be prosecuted.
- Entering any Muirfield lake is prohibited including, but not limited to swimming, boating and ice skating.

### **PATHWAYS**

Muirfield Association-owned paths provide access to most neighborhoods within the village, meandering through some beautiful areas. The paths are good-weather paths, meaning there is no snow or ice removal; use at your own risk. Residents must be mindful of conditions when using the paths and dress their children accordingly. Following 'share the trail' etiquette helps ensure the paths are fun and safe for everyone.

- Be respectful. All path users, including bicyclists, joggers, walkers, wheelchairs, strollers, skateboarders, bladders and skaters, should be respectful of other pathway users regardless of the mode of travel, speed or skill level.
- Stay on the right side of the path, except when passing others.
- Slower moving traffic has the right-of-way. When you come upon another path user, let the slower moving person proceed first.
- Use an audible warning to alert those ahead. When passing someone on the left ring a bike bell or call out to them "passing on your left" so that they know you are coming around them.
- Read and obey all path and road signs; they're there for your safety!
- Do not litter. Help keep our paths beautiful by putting debris in its proper place.
- Control dogs. Be respectful of others by cleaning up after your dog.
- Use safe speeds. Keep your speed down and be in control at all times.
- Do not block the path. Move to the side of the trail if you are stopping, leaving room for others to get by.
- Motorized vehicles are prohibited with the exception of those permitted by law (such as wheel chairs).
- The cart paths within the golf courses are private property and residents may not trespass. Violators will be prosecuted.

## **RECREATIONAL FACILITIES**

### **TENNIS COURTS AT GLICK RD & HOLBROOK RECREATION COMPLEX**

- Each facility will allow one net to remain in place through the cooler months for the occasional pleasant days.
- Wind screens are removed in the fall after the tennis season is over.
- Tennis court lights will turn off automatically at 10:00 p.m. out of respect for and as a courtesy to those residents living nearby.
- Residents may turn on court lights if it is getting too dark to play prior to 10:00 p.m. Follow posted lighting instructions.
- Once the lights shut off automatically, they may not be turned back on.

**SWIMMING POOLS** – Use in accordance with all state laws and posted rules.

### **OTHER COMMON AREAS**

- Gazebo, bridges, courts - Most of these areas within Muirfield Village have an intended use and should function for that purpose in a safe and respectful manner.
- Parking lots - When not functioning as intended for use, empty parking lots may be used recreationally if used safely and respectfully. Permitted activities may include bicycling, walking, skateboarding, various ball games or sports.
- All illegal activity is prohibited.

### **REVOCATION**

**Delinquent Fees** - Any property owner, family members and/or residents living at the Muirfield property will lose their privileges for using the common elements including the pools, tennis courts, paths, and other Muirfield Association amenities until the total delinquent assessment, late fees, and associated legal charges have been paid in full.

**Deed Enforcement** - Any property owner, family members and/or residents living in Muirfield Village will lose their privileges for using the pools, tennis courts, paths, common areas and other Muirfield Association amenities until all deed violations are cleared and all associated enforcement fees have been paid.

## Deed Violation Enforcement Policy

### Purpose:

The purpose of this policy is to address reasonable measures to enforce deed restrictions.

### Scope

The enforcement process creates a framework for a flourishing community with a common vision. This policy applies to all owners and residents in Muirfield Village. Restrictive covenants and rules exist to promote uniformity and preserve property values.

### Reference

- A Muirfield Homeowners Association Bylaws and Design Standards
- B Articles of Incorporation for the Muirfield Association, Inc.
- C Warranty Deed
- D Ohio Revised Code 5312
- E All other governing documents for the Muirfield Homeowners Association including, but not limited to, any published rules, regulations, guidelines and resolutions.

### POLICY

Sensible complaint procedures combined with a fair, common-sense approach to readily observable violations will be used to maintain the integrity of the community. All deed violations must be corrected in a timely manner. There are two types of complaints in which the Association most often contends.

#### **1. Conduct Violations**

Conduct violation might typically be described as behavioral issues within a neighborhood. The burden of submitting conduct complaints rests with owners within the community. All conduct violations ***must be reported in writing and signed*** by the resident alleging the violation. This form can be found online at: <http://www.muirfieldassociation.com/deedenforcement.php>.

Board members are under no duty to take action on conduct violations that are reported verbally or contained in an unsigned, written communication.

Once a properly completed violation form has been submitted, the board will determine what further investigation of the allegation is necessary and conclude whether action against the violating owner is warranted.

#### **2. Item Violations**

Item violations typically can be evidenced by photographs or similar documentation. Item violations are often discovered during a property walk-through, drive-by or on-site inspection. The General Manager will address item violations as they are observed or reported.

If a violation is of a serious nature that affects the safety of the owners or residents, the police should be called immediately and/or legal action immediately initiated.

## **Notifications**

The Association will notify owners and residents of enforcement actions in accordance with the following outlined procedures:

1. First Letter – Upon receipt of evidence of a verified violation, the Association will send the owner/resident a written communication and include the following as applicable:
  - a. A description of the violation;
  - b. A copy of the documented picture, if available; and
  - c. A reasonable date (deadline) by which the owner must cure the violation.
2. Second Letter – Upon inspection and verification of the continuing violation, a second letter containing a Notice of Intent to Impose an Enforcement Assessment and Revoke Privileges will be mailed with a new deadline requesting cooperation. This letter will be delivered to the owner only and will:
  - a. Include a description of the violation and copy of the documented picture, if available;
  - b. Advise the owner of the amount of the proposed enforcement assessment to be charged per day and the date by which the violation must be cured to avoid the enforcement assessment and revocation of recreational privileges; and
  - c. Notify owners of their right to a hearing before the Board of Directors, enclose a Request for Hearing form, and state the deadline for the hearing request to be received by the Association.

This is the final opportunity for owners to comply before more serious actions are taken.

3. If the violation is not cured after the imposition of enforcement assessments the Association may utilize all other remedies available including, but not limited to, summary abatement of the violation at the owners cost, recording lien for unpaid enforcement assessments, and filing a lawsuit seeking injunctive relief, foreclosure, court costs, and attorney's fees. The Association reserves the right to utilize any enforcement remedy at any time to address unique circumstances or situations.

## **HEARING PROCEDURE**

In the event that the owner wishes to discuss the allegations with the Board of Directors, the owner must mail or deliver a written request for a hearing to the Association within 10 days from receipt of a notice of enforcement. The following must take place:

- a. The Board must make arrangements for the requested hearing to be held no later than 60 days after the date the written request was received.
- b. The Board shall provide the owner with a written notice that includes the date, time, and location of the hearing at least 10 days prior to the hearing date.
- c. With mutual agreement, either party may request a postponement of the hearing; however, a new hearing date must be set and kept. Hearings may not be indefinitely postponed.
- d. The proceedings may be recorded by either party and the owner does not have to be present for the hearing to be conducted.
- e. The hearing will be held in Executive Session. The Board and requesting owner will have the right to present evidence. Reasonable time will be allotted for discussion of the issue.
- f. Proof of the hearing, evidence or written notice to the owner to abate action, and intent to impose an enforcement assessment shall become a part of the hearing minutes.
- g. The owner must receive notice of the Board's decision and any enforcement assessment imposed within 30 days of the hearing.

If the Owner fails to request a hearing within 10 days of the third enforcement letter, the Notice of Intent to Impose an Enforcement Assessment and Revoke Privileges, the right to that hearing is waived, and the enforcement assessment may be imposed.

### **Board of Directors**

The Board of Directors is committed to exercising their authority in a fair and impartial manner. The Board members do not serve as detectives, rather they are elected to uphold the provisions contained within the Association's governing documents with consistency. They may consider special circumstances or decide to proceed with legal action for any violation of the Warranty Deed, Bylaws or Design Standards at their sole discretion following either the hearing requested by the owner or the deadline expiration to request such a hearing. Once the Board has referred the violation to an attorney, all communications must be directed to the attorney.

In the event that an individual board member has personally witnessed or was personally affected by an alleged violation, that board member assumes the role of a complaining owner and must relinquish his or her role as a decision-maker with respect to that particular matter. Should a board member have any involvement in the matter, he or she must exclude oneself from participating in any discussion, vote or other board business relative to that particular violation to ensure impartiality.

**Recurring Violator:** In the event of repeated violations of the same or similar nature, the Board has the discretion to impose a fine immediately upon written notice for a similar violation within one year of the original violation. In this case, the owner will receive only a Notice of Impending Enforcement



Assessment. The owner must still notify the Association when the violation has been cleared, in order to discontinue the assessment at the earliest possible date.

**Forced Maintenance:** As authorized by the Warranty Deed, Section 9.02, the Association reserves the right to enter the property involved to abate and remove same at the expense of the owner. The expense may be assessed and collected in the same manner as the annual assessment.

**Enforcement Assessment Fees:** Should violation(s) remain beyond the deadline, an enforcement assessment may be charged to an owner's account and shall immediately become eligible for collection. Fees may include but not limited to:

- An assessment for actual damages, costs for repair and/or;
- All costs for extra cleaning and/or repairs stemming from any violation and/or;
- Levy of a reasonable enforcement assessment per occurrence and/or;
- Levy of a reasonable enforcement assessment per day if the violation is continuous and ongoing in nature and/or;
- Legal action for lack of compliance.

**Legal Fees:** In any legal or equitable proceedings for the enforcement of the provisions of the deed restrictions, the unsuccessful party shall pay the attorneys' fees of the prevailing party in such amount as may be affixed by the court.

*Adopted by the Board of Directors: April, 2013*

*Revision 032016 Adopted by Board of Directors: 2016*

## Design Review Policy

The Association looks forward to working with residents who wish to update and upgrade their properties. Our staff stands ready to assist you each step of the way. The following guidelines will help you in the process of working with the Muirfield Design Control Committee (MDCC) for approval of any exterior changes you want to make!

Owners are required to apply for approval of proposed exterior projects and the MDCC must approve or disapprove the plans. All new construction, exterior additions, remodeling or alterations, as well as changes to landscaping must be reviewed and approved in writing by the MDCC **before** the project begins. All requests for variances from the Design Standards or any other rule or regulation must also be made in writing. All variances granted shall be considered unique and will not set a precedent for future decisions by the MDCC.

Owners will be best equipped for project approval by selecting the recommended materials and submitting all the required samples, pictures and drawings in a timely fashion. Each project is unique as are the submission requirements. Some projects may require an architect, a general contractor and professional drawings. The more information provided, the easier it is for the MDCC to understand the project concept and intention. An application submission must include:

- A completed application form
- Site plan and elevations
- Professionally scaled drawings
- Complete scope of work
- Samples of materials
- Paint chips and brochures
- Photographs of the areas involved
- Any other applicable or helpful information
- Review fee – if the actual amount is listed on the application

Consideration for approval may include but is not limited to:

- Compliance of the plans and specifications to the general intent of the restriction;
- Conformity to the Muirfield Design Standards;
- Harmony of the proposed plans with other structures in the Muirfield Village;
- The effect the improvements may have on neighboring property;
- The architectural style of the house, how it sits on the property, natural elements involved and general complexion of the neighborhood.

Should the committee disapprove the application, the project may not start until modifications to the original application are made, resubmitted to the MDCC and written approval received. The MDCC has the right to disapprove any plans and specifications submitted to it because of any of the following:

- Failure of such plans or specifications to comply with any provisions in the Muirfield Village Warranty Deed, Bylaws, Property Handbook, Design Policies, Rules, or design and construction criteria adopted by the Board or the MDCC;

- Failure to include information in such plans and specifications as may have been reasonably requested;
- Objection to the design or appearance of any of the proposed landscaping;
- Incompatibility of design or appearance of any proposed structure or building or use with any existing structures or buildings and uses;
- Objection to the location of any proposed structures or building upon any portion of the Lot;
- Objection to the grading plan;
- Objection to the color scheme, finish, proportions, style, or architecture, materials, height, bulk, or appropriateness of any proposed building or structure;
- Objection based solely on aesthetic reasons; or
- Any other matter which, in the reasonable judgment of the MDCC, will render the proposed building or structure or use inharmonious with the general plan of improvement of Muirfield or the buildings, structures, or uses located upon other portions of the Property.

It is important to remember that even if in the same neighborhood, no two properties are alike and no two applications are the same. Each application is reviewed as a separate and unique case with many aspects to be considered. Therefore, each application is reviewed on a case-by-case basis.

All structural additions, alterations, and improvements by an Owner must also be made in compliance with all laws, rules, ordinances, and regulations of all governmental authorities having jurisdiction. An Owner making or causing to be made any structural additions, alterations, or improvements agrees and is deemed to have agreed to hold the Association and all other Owners harmless from any liability arising therefrom.

The MDCC may issue a variance from the requirements set forth in this Handbook or in any rules or regulations the MDCC adopts to comply with Federal, state, or local laws, requirements, and/or ordinances. Any variance granted by the MDCC will be considered unique and will not set any precedent for future MDCC decisions.

The MDCC may promulgate additional rules governing the form and content of plans to be submitted for approval and may issue statements of policy with respect to approval or disapproval of the architectural styles or details or other matters which may be presented for approval. Such rules may add to, clarify, interpret, expound, and/or elaborate on the architectural guidelines and restrictions provided for in this Handbook, including but not limited to rules on color, materials, location, and size of any improvements on a Lot or Dwelling. Said rules may also establish a reasonable fee for MDCC plan review, which fee the Owner must pay in accordance with the procedures the MDCC adopts. Such rules and such statements of policy may be amended or revised by the MDCC from time to time and no inclusion in, omission from, or amendment of, any such rule or statement is deemed to bind the MDCC to approve or disapprove any feature or matter subject to approval, or to waive the exercise of the MDCC's discretion as to any such matter, but no change of policy shall affect the finality of any approval granted prior to such change.

## Home Exterior Policy

### **Antennas**

- Installation of any satellite dish/antenna in the common elements is prohibited.
- Any owner or resident contemplating the installation of a satellite dish/antenna on any lot must obtain and comply with the Association's Satellite Dish Rules and Regulations and must submit a drawing to the Muirfield Design Control Committee (MDCC) indicating the proposed location, height, and screening materials to be used. A copy of the Satellite Dish Rules and Regulations may be obtained from the Association office, or online at <http://www.muirfieldassociation.com/docs/Satellite-Dish-Guidelines-Application.pdf>.

### **Cable and Utility Services**

- Each lot has easement areas for the distribution of utilities to the home.
- Gas and other utility or service wiring must be installed underground with entry to the home at grade. It may not run up the exterior walls of the house. Lines must be fished through the interior walls. Service lines must be buried underground.
- Before work begins, residents must insure that their cable and utility technicians obtain prior written approval from MDCC before trenching through common elements. The Association has the right to approve/disapprove common element encroachment.
- The affected area must be restored to original condition following installation. This is ultimately the responsibility of the property owner. If temporary work is done during winter months, it must be buried in early spring before the first grass cutting.
- Exposed utility pipes such as radon, downspouts and gutters must be painted the siding color.

### **Contractors**

- Residents are responsible for the actions of hired contractors.
- Approval of exterior projects, additions and/or changes to lots and homes are ultimately the responsibility of the owner, however, contractors may submit plans to the MDCC on behalf of the owner.
- Contractors may not access, damage or remove common elements during installation or maintenance of lot or home projects. Any common elements damaged by contractors shall be the owner's responsibility to restore to original condition. The owner is responsible for having acceptable repairs/restoration made in a timely manner.

### **Driveways** must be maintained.

- Asphalt driveways need to be replaced when the asphalt is crumbling and/or gravel is showing through the top layer.
- Asphalt driveways need to be resealed when there are small cracks in the driveway. Resealing means using crack filler then brushing over the entire driveway with blacktop sealer.
- Asphalt driveways can be recapped or replaced if resealing is not adequate. Recapping means overlaying a heavy layer of blacktop over entire driveway.
- Concrete driveways must be replaced completely if they are crumbling or cracked.

- Paver driveways must be maintained. Grass/weeds must not grow between pavers. Use of an herbicide or other products may be necessary to permanently kill grass/weeds. Pavers may require being removed and reinstalled if heaving or settling occurs.

**Lawn Furniture** can be a welcome addition to outdoor living areas. When not in use, lawn furniture must be stored on the deck, patio, porch or in the garage.

#### **Lawn Ornaments /Bird Feeders /Statuary /Fountains /Banners /Decorations**

- All inflatable decorations are prohibited.
- Seasonal or temporary ornamentation, planters and flower pots must compliment the color scheme of the house and must be kept on patios, front stoops or decks.
- Holiday decorations may be displayed on the exterior of homes at various times of the year. Exterior holiday decorations and lighting may be installed one month before the holiday and must be removed within two weeks following the holiday. Exterior lights must be turned off by 11:00 p.m.
- School banners and seasonal flags may be displayed on a deck, patio or interior window only.
- Window boxes must be approved by the MDCC before installation. Approvals may be granted depending on the architectural style of the home.

The MDCC must approve all *permanently-placed* bird feeders, statues, yard figurines, fountains and other types of lawn ornamentation before placed on the property. Approvals are granted or denied case-by-case based on the conformity and harmony of the proposed plans with Muirfield Design Standards, other structures in Muirfield Village and the effect on natural elements and neighboring properties. All ornamentation must be scaled to fit the area and compliment the architecture of the home. All approved ornamentation must be kept in good condition.

#### **Mailboxes**

The majority of mailboxes on Muirfield Village properties include a unique single-arm mailbox unit specifically designed and built by the Association's maintenance staff. It is the responsibility of the owner to see that the mailbox unit is kept in good condition. As a service to our residents, Muirfield maintenance staff will install and perform maintenance to the mailbox unit for a fee. Contact the Association office for assistance with repairs and pricing. At this time, there is no fee to re-paint or replace broken or missing numbers.

Some sub-associations within our community feature cluster mailbox units or posts specific to that neighborhood. In those areas, owners must contact the sub-association's representative for assistance with maintenance.

Other styles, sizes or color of mailbox units are prohibited. Attaching signage, banners and advertising, including invisible fencing signs, is prohibited. Shrubbery or vines planted near mailboxes must allow an unobstructed view of the address numbers.

#### **Radon Units**

- Installation of radon units must be approved by the MDCC prior to installation.

- The unit shall be installed at the rear or side rear of the house, as unobtrusively as possible.
- All portions of the radon unit shall be painted the color of the adjacent house siding and/or trim.
- The exhaust pipe shall terminate no more than 18" above the roofline and below the ridgeline of the house.
- Evergreen shrubs must be planted to screen the motor from view. The evergreens must be at least 3' in height.

### **Refuse Containers, Trash Pick-Up and Recycling**

- Refuse containers should be placed at the curb by 7 a.m. on collection day and taken back inside that evening. Containers may not be left outside after collection day.
- Acceptable containers for non-recyclable trash include: metal or plastic cans or barrels with two handles and a tightly-fitting lid; sealed plastic bags; or sealed paper bags of a mill thickness of at least 1.5 and a maximum capacity of 30 gallons. All refuse must be secured inside the container.
- No more than 50 pounds of weight may be placed in any container.
- Overloaded or wet boxes are not acceptable containers and will not be picked up.

### **Storage**

The Muirfield Design Control Committee is empowered to protect the natural beauty of the community. Property exteriors must be kept in good condition, free of trash, any type of debris or clutter. Unless specifically approved by the MDCC in writing, no materials, supplies or equipment may be stored on the Property except inside a closed building, or behind a visual barrier screening so that they are not visible from streets or neighboring properties.

- Construction materials for remodel projects may require special consideration but may not be stored on the lot indefinitely. All exterior construction projects require authorization from the MDCC and the materials or components of the project may not remain on the lot past the completion date approved by the MDCC or no more than 14 days.
- Large landscaping project materials may not remain stored outside for more than 10 days.
- Clotheslines are prohibited. Clothing is prohibited to be hung outside any home.
- Hoses must be stored inside a building or in an appropriate container, out of public view, when not in use.
- Ladders, wheelbarrows and all other equipment, yard supplies, materials and tools must be stored inside when not in use.
- Portable grills, chimineas, fire pits and other items designed for exterior home use may be used on private property, but must be stored on a deck, patio, porch or in garage when not being used. They are prohibited to be stored on Association-owned common areas.
- Storing lawn furniture in the yard or landscaping is prohibited.
- Portable sports equipment and toys may be used in yards, but must be stored inside when not in use.

When purchasing larger items for use outside of the home, owners must consider how and where they will be stored off-season. There are numerous exterior storage solution systems available as well as garage organization and storage systems to eliminate clutter. The addition of an exterior storage system as well as permanent structures such as a utility shed or utility screens require the approval of the MDCC before locating on the property.

## **Recreational Equipment**

Some equipment may be permanently installed outside with prior specific MDCC authorization in writing. Applications are available online for playsets, tether ball poles, trampolines and other specialized recreational equipment.

Some large sports equipment such as lacrosse goals and soccer nets may be difficult to move inside when not being used; the MDCC will consider approval for their use, with specific screening and location requirements. The Recreational Equipment application is available online at [www.muirfieldassociation.com](http://www.muirfieldassociation.com) under the Design Review tab.

**Basketball equipment** has a specific application. MDCC approval is required before basketball equipment may be permanently installed. Basketball returns and pole lights are prohibited. All portions and sides of the basketball equipment, including the pole, mounting brackets and back boards, must be painted the trim color of the house. Clear back boards do not require paint. Basketball pole pads may remain on the equipment if the padding is the same color as the pole. Pole padding can be painted the same color of the pole using vinyl paint. Black pads or any color must be removed and stored inside when not in use. A copy of the basketball equipment guidelines and application may be obtained from the Association office or online at <http://www.muirfieldassociation.com/docs/Basketball-Application-Guidelines.pdf>.

Full-sized portable basketball units are approvable only if painted the trim color of the house and stored inside when not in use.

## **U. S. and State of Ohio Flags**

- The flag of the United States of America and/or the flag of the State of Ohio may be displayed on the owner's property in accordance with the regulations for the use and display of the flag as found in Title 4 of the United States Code and as permitted by the Freedom to Display the American Flag Act. Owners assume the respectful use and display as required by law.
- One standard-sized US flag and/or one standard-sized State of Ohio flag (not to exceed 3' x 5') is permitted to be displayed within the owner's lot. The installation and location of the flag pole must not interfere with the use of paths or obstruct views of any driveway or street for motorists or pedestrians. The flag must immediately be removed and/or replaced once it is worn, faded and/or tattered.
- The Muirfield Design Control Committee must approve the height, color, type and location of the flag pole before installation.

## **Lot, Lawn & Landscape Policy**

**Lot drainage and grading** must follow the master grading plan on file at the City of Dublin. Final grading of all lots, lawns and landscaped areas and any changes made thereafter must accommodate proper drainage. Each owner shall take care to assist in the natural flow of rain water from their lots. Owners must not impede the natural flow of surface water from/through their lots with landscaping or mounding or by changing the master grading plan. If a drainage assistance system such as a french drain, ditch, swale, dry creek, etc. becomes necessary, a plan must be approved by the City of Dublin and the Muirfield Design Control Committee (MDCC) prior to installation. Creeks and streams running through lots must be maintained in good condition at all times. Grass, weeds and other materials must not impede the flow of water.

**Vacant lots** can provide natural beauty and open space. Owners must maintain built properties and vacant lots on a regular basis, keeping weeds, brush and high-growing grasses under control. Lots must be free of debris, hazardous trees and storage materials. Water may not pool or stagnate and should be drained to reduce mosquito populations. During construction phase, properties must be kept free of weeds, trash and construction waste; maintained on a regular basis.

See the **Home Exterior Accessories Policy** for use of lawn furniture, lawn and landscape ornaments, bird feeders, statuaries, fountains, banners, flags or other outdoor décor.

**Lawns** shall be planted according to good horticultural practices with acceptable grasses by hydro-seeding or sodding to produce a satisfactory stand of permanent grass. Mowing, trimming, weeding and edging are required to maintain lawns on a regular basis. Healthy, regularly-maintained lawns are more able to resist weeds. Grass length may be as short as 2” but not taller than 6” anywhere on the lot. Proper lawn care may increase the value of the property. If lawns are not desired, a request for an acceptable ground cover must be submitted to the MDCC for review.

**Landscaped areas** can enhance the lot when kept in good condition. Regular maintenance is required, including:

- Keep the plants trimmed or pruned to control overgrowth and encourage plant health.
- Edge the beds to accommodate a clean definition between landscaping and lawn.
- Keep beds free of weeds.
- Apply at least 4” of mulch to discourage weed growth. Mulch also offers an attractive finish.
- Clear the beds of tree droppings (twigs, bark, leaves, seed pods, etc.) as each season produces them.
- Wire, string, rods and other temporary area-defining items are prohibited.

It is prohibited to store yard equipment, materials, supplies, tools, mulch, or any other item on the lawn or in landscape beds, including: mulch bags, sand, top soil, stone, timbers, yard waste, pots, weed cloth and edging materials.



**Hardscape areas** such as decks, patios, walks, driveways, landscaping timbers and ties as well as retaining walls must be kept in good condition at all times. They must remain free of debris, tripping hazards, peeling, cracking, weeds, algae, stains, scaling and any other type of deterioration.

**New Construction Landscaping** must include adequate materials at the front, side and wrapping to the rear elevations of the home as designated by the MDCC. Purchasers of built properties in Muirfield Village are responsible for conditions at time of purchase and must bring the property into compliance should there be pre-existing violations.

Whether installing new or removing or renovating existing landscaping, the MDCC must approve additions and changes prior to any work beginning. Applications for approval can be found on the website at [www.muirfieldassociation.com](http://www.muirfieldassociation.com) under the Design Review tab. It is important to include specific information in your application. Landscape design must coordinate new plant needs with the climate, soil, orientation, drainage and existing vegetation, as it relates to the natural resources and man-made improvements. Driveway entrance plantings must provide permanent, clear, safe sight distance for all vehicles.

Plants must be hardy and pest-resistant. They must be well-formed and free of disease and infestation. The quantity and variety of all new plant materials must be sufficient to fulfill the needs of the property. Plants must be of suitable size, color and texture for the area and spaced to accommodate normal growth as interpreted by the MDCC and based on professional site design analysis and customary planting treatments of Muirfield Village. Property-defining plantings are not permitted. Landscape timbers, edging pavers, and other means of defining plant beds may be permitted with prior review and approval of the MDCC.

Planting annual flowers does not need approval from the MDCC; however, plans for new flower beds, perennial flowers, shrubs, bushes, trees, or other landscape materials and hardscapes must be approved by the MDCC prior to planting or installing. Minimum plant sizes are as follows:

- Perennials – 1 gallon at planting, or larger
- Shrubs, etc. - 3 gallon at planting, or larger
- Evergreen trees - 7'-8' height at planting
- Deciduous trees - 2½"-3" caliper at planting

**Avoid planting trees, shrubs or large perennials** in easement areas or near underground drainage and utility lines. Where utility boxes are present, utility companies require a minimum 10 foot clearance from the side of the box with doors. They require 3 feet from the other sides. Property owners are responsible for replacing plant materials or underground fencing located in the utility easement areas, if damaged during utility work. All areas of disturbed earth shall be restored with an adequate amount of soil and sodded or hydro seeded with grass.

**Trees** are a crucial element to the natural beauty in Muirfield Village and require special consideration. Before trees are planted or removed, a request must be submitted to the MDCC for approval. The Committee will consider the species, size, type, and location of replacement trees. Property-defining or regimented tree plantings are prohibited. Planting in groupings or clumps will obstruct less appealing views while providing a more natural presentation in accordance with the original intention

of open, flowing vistas, with one yard blending into another. The original concept for our community combines good design with respect for the natural beauty of the land. Retaining the woodland is as important today as it was in the beginning development.

Property owners are responsible for the maintenance of trees on their lots. This includes all aspects of the trees from clearing fallen branches and bark, treating diseased trees and removing dead trees. Association staff performs continuous tree maintenance on all common elements. The Association appreciates immediate notification when a resident observes a problem tree, hazardous situation, or a safety issue on common ground.

**Tree Removal** requires MDCC approval in all cases. The Warranty Deed provides that trees larger than six inches caliper may not be removed from the property unless approved in writing by the MDCC. In some cases, dead trees may present a safety hazard and emergency removal may be necessary before obtaining written approval. The Association will work with property owners in these types of situations when notification is made to the Association office.

**Removal of living trees** will be considered if there is good reason. In some instances, a tree can be removed without replacement at the discretion of the MDCC if doing so adds benefit to the existing trees or surrounding landscape.

When a dead tree is removed, in most cases, the MDCC will require that a new tree be planted to replace it. There are exceptions which must be explained on the tree application and will be taken into consideration by the MDCC. The Committee will expect a reasonable explanation for those trees not planned for replacement. Decisions are made on a case-by-case basis and at the sole discretion of the MDCC.

**Tree stumps** must be ground out to grade and the area restored when a tree has been removed. All portions of the removed tree -wood chips, limbs, trunk, leaves, etc. must be removed from the site and disposed of properly. Only a limited amount of firewood (no more than one and one-half cord of cut, stacked firewood) may be stored on the property.

**Replacing Trees** after the removal of a tree requires thoughtful planning. When planting trees, take into consideration the location and growth of the selected tree species in order to manage the rooting system and future size of limbs within your own lot lines. Neighboring properties own the air space on their side of the lot-line and have the right to shear, trim or prune the tree umbrellas that extend onto their lots. Encroaching onto neighboring properties to access an area for installation or removal of trees requires permission of the property owner.

**Firewood** must be placed in an inconspicuous location at the rear or side yard, stacked neatly and kept in good condition at all times. To be considered firewood, wood must be of a consistent size commonly used in a moderate-sized fireplace. Logs can be no larger than 8" in diameter. If wood pieces are larger, they must be split and cut into pieces no more than 30" long. The amount of stacked firewood cannot exceed 1 & 1/2 cord, measuring approximately 4'x4'x12'. Firewood may be stacked in a large firewood ring. Tree parts such as fallen limbs or branches must be removed from the site. Small pieces of wood kept for kindling must be cut and tied into bundles no more than 12" in diameter. No more than 5

bundles may be kept on the property and must be stacked with the firewood. Large pieces of trees are not considered firewood and may not be stored on the property. Protective tarps used to cover stacked firewood must be earth-tone in color.

When dead trees are removed from the common elements, the Association cuts and splits the trees into firewood and offers this firewood for sale to the residents in half and full cord increments. The maintenance staff will deliver and stack the wood at your direction. Deliveries usually begin in November and continue throughout the winter months. Contact the Association office at 889-0922 for availability and pricing or to place your name on the waiting list.

**Vegetable gardens** are part of the lawn and landscape. Before planting a garden, submit a request to the MDCC for approval. Approved gardens must be maintained in an orderly, weed-free manner on a regular basis to remain in compliance. The application can be found on the website at [www.muirfieldassociation.com](http://www.muirfieldassociation.com) under the Design Review tab.

**Yard waste** includes any natural material collected during the care of lots, lawns and landscaping. The City of Dublin's chipper service/composting program will collect yard waste placed at the curb on collection day only. Setting yard waste out on any day except collection day is prohibited.

Tree limbs and branches will be picked up as part of the City's Chipping Service provided the limbs are bundled in 4' lengths with the cut ends toward the street. Cardboard boxes used to contain yard waste or refuse will not be picked up if they become wet.

Dumping yard waste anywhere on Muirfield common ground or within the City public areas is prohibited and will be considered illegal dumping. Offenders may be prosecuted.

**Contractors** - The Association does not provide recommendations for local vendors; however, the Muirfield Village Civic Association offers a list of vendors to its members. For more information, check their website at: <http://muirfieldvillage.org/>. Property owners are responsible for the actions of hired contractors. Contractors may not access, damage or remove common elements during installation or maintenance of lot or home projects. Any common elements damaged by contractors shall be the owner's responsibility to restore to original condition. The owner is responsible for having acceptable repairs/restoration made in a timely manner. If not completed in a timely, acceptable manner, legal action will be taken to seek compliance.

**Insurance** - The Association provides coverage for all common elements, buildings and facilities owned by the Association. Each owner is responsible for obtaining insurance coverage on his/her home and lot. Only the Board of Directors may submit claims against the master insurance policy.

## **PAINT MAINTENANCE POLICY**

The Muirfield Design Standards, By-Laws and Warranty Deed require that the exterior of each house in Muirfield Village be maintained on a regular basis using approved materials and colors. Each house is unique and shows age at different intervals. The amount of sun, shade, rain, type of siding and amount of insulation are things that have an effect on the exterior of the house. As properties age they require maintenance and improvements to prevent them from falling into disrepair. Regular routine inspection is essential to protecting the outside of the house.

The following conditions suggest paint or stain maintenance is required:

- Peeling or bubbling paint
- Significant cracks
- Bare wood visible
- Mold, mildew, algae, moss, rotting, rust or other deteriorating condition
- Faded, worn appearance
- Presence of wood/surface destroying insects
- Holes in the siding or deck boards
- Evidence of water damage
- Evidence of weak base materials – spongy, rotting or other types of decay
- Gaps between materials and cracked, crumbling caulking

Changing the color on any portion of the house or undertaking a complete re-paint or re-stain requires approval from the Muirfield Design Control Committee (MDCC).

The color palette of a home is made up of the main body siding, trim areas and accent colors. The overall color scheme must reflect a complimentary, unified appearance blending with the natural surroundings. For this reason earth toned colors are best. Awnings, shutters and roofs must be considered in the overall color scheme. A limited number of accent colors are permitted for shutters and front entry doors. A two-color scheme is encouraged to provide visual appeal. The main body is the predominant color on the home. The trim color must be complimentary to the main body color. In a three-color scheme, an accent color may be used sparingly to highlight the front door and shutters.

Trim areas include: windows, garage doors, entry doors, storm doors, screen doors, columns, trim boards, corner boards, soffits, fascia, decks and porches. Also included are vents, utility pipes, meters, equipment, gutters and downspouts. Storage sheds, fences, outdoor living spaces, and permanent sports equipment must also follow the same color scheme.

Avoid:

- Bright and primary-colors including white and black;
- Colors that constitute an obvious contrast to the surrounding natural environment or other homes;
- More than three different colors or shades on a single home;
- Color used to obscure important architectural features.

Prior to starting the paint project, submit 2 copies of the application including paint chips and photos to the MDCC. Applications are online at [www.muirfieldassociation.com](http://www.muirfieldassociation.com) under the Design Review tab.

## **Parking Policy**

Each home is required to have off-street parking for 4 vehicles.

- At least 2 spaces must be covered.
- The additional 2 parking spaces must be designated paved parking areas.

Vehicles are prohibited from being parked in yards or on any grass area.

Vehicles incapable of being operated upon public streets, inoperable or unlicensed are prohibited to be stored on the property outside of the garage for longer than 5 days.

Recreational vehicles, mobile homes, motor homes, trailers, recreational equipment usually towed on trailers, and all other forms of transportation objects are permitted to be parked in driveways for 24 hours. After that time they must be stored wholly inside a private garage, designated trailer storage area or off-site.

Any vehicle stored at the exterior of the property more than 5 days is considered a nuisance and must be stored wholly inside a garage or off-site.

Commercial vehicles at the property may be in the driveway or outside of the garage when the vehicle is there temporarily in connection with construction and property improvements and services. If a commercial vehicle is used by a resident on a regular basis for their personal transportation, it must be stored wholly within the private garage.

Vehicles in violation of time constraints shall be considered a nuisance and must be removed from the property.

Residents must adhere to the "on-street" parking policies of the City of Dublin. Violations may be reported to the Dublin City Police or to the City Code Enforcement Department.

In accordance with Section 9.02 of the Warranty Deed, violations to this policy shall give the Association the right to enter the Property to remedy and remove vehicles at the expense of the Owner, if necessary.

## **Pet Policy**

Pets are largely integrated into family life. For this reason, the issue of pets cannot be ignored. Most non-pet owners/non-dog owners in particular, respect the rights of their neighbors to keep a dog or a cat as long as they are responsible pet owners particularly as it relates to fouling and noise nuisance. Pet ownership carries with it a big responsibility.

Responsible pet owners keep the animal in a manner that ensures its physical and psychological well-being so that it is not stressed when left alone and therefore does not create a noise nuisance or become destructive. They will also ensure that an animal is appropriately trained – this is particularly important in the case of dogs.

### **Definition**

For the purpose of this section, the Association defines a household pet as an animal that is traditionally kept in the home for pleasure rather than for commercial purposes. Dogs and cats are the most traditional family pets. Common household pets do not include any animal that is considered “wildlife, farm animal or livestock”. If this definition conflicts with any applicable State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, the State or local law or regulation shall apply. This definition shall not include animals that are used to assist persons with disabilities.

### **Owning a pet at Muirfield Village**

Pet owners must abide by the ordinances of the City of Dublin concerning pet ownership which state: “All dogs must be on a leash unless the animal is capable of responding instantly to the minimum obedience commands of “come,” “sit,” or “stay.” No person shall permit an animal to enter public or private property unless the animal is securely controlled by a leash not to extend six feet in length.” In addition:

- No more than 2 dogs and 2 cats may be maintained on any lot.
- Should the cat or dog have a litter, the litter may reside on the property up to 3 months.
- No animals, birds, insects, livestock or poultry may be raised, bred or kept on the Property except household pets. Animals maintained, kept or bred for sale or other commercial purposes are prohibited.
- Owners are responsible for pets they own and any pets visiting the property.
- Pets shall be under the control of their owner at all times and cannot cause a nuisance.
- When off of the Owner’s lot, pets must be under the owner’s control by a hand-held leash or immediate vocal command.
- Animal welfare organizations can advise on how to avoid common noise disturbances from pets (such as barking). They may be of assistance for behavior advice and information on local training classes.

- **Animal Fouling:**
  - When walking dogs (or other pets), it is the walker's responsibility **to immediately** clean up pet waste to maintain a healthy environment. Owners must carry some visible means for cleaning feces. Pet feces must be disposed of at your home or in receptacles provided along the paths.
  - If cats are allowed free access outside then residents must take steps to ensure that they do not cause a nuisance to the neighbors.
- Pet owners must repair any damage caused to communal property by their pets.
- Residents observing someone not immediately cleaning up after their pets or disposing of waste inappropriately should contact the Dublin Police Department at the non-emergency number.
- Report problems with vicious or menacing dogs and excessively-barking dogs to the Dublin Police Department at 889-1112 or contact Animal Control in your county.

### **Invisible Fence for Pets**

Underground invisible pet fencing is permitted on lots. Residents are discouraged from installing invisible fencing in an easement area or City right-of-way. If service work needs to be performed in the easement area and wiring is damaged or disturbed, it is the Owner's responsibility to repair/replace any wiring installed in the easement area.

Remind your installer not to post an advertisement on any part of the Property, regardless of the size.

A reasonable period of time, not to exceed 3 weeks, is permitted for the use of the training flags.

## **Signage Policy**

### **Purpose:**

- To describe the type of signs approved for use in Muirfield Village
- To identify standards that provide coordination of the overall appearance of signs approved for use in Muirfield Village which are compatible with the natural environment.
- To preserve the noncommercial character of our residential neighborhoods.
- To outline the process by which owners may temporarily erect non-standard signs.

### **Allowed Signage:**

Real Estate Agencies posting a house for sale; property owner advertising a house For Sale by Owner; and/or builders posting new home construction may display signs prepared according the *Definition of a Standard Sign* without prior written authorization from the Muirfield Design Control Committee (MDCC). These signs are designed to blend into the environment rather than project attention.

### **Definition of a Standard Sign:**

- The standard sign is a metal frame that can be placed in the ground by pushing down with the weight of one person.
- The frame is constructed to accept standard, square or rectangular panels approximately 24" – 36" in width.
- The frame is constructed of angle-type steel material that allows panels to be secured by a clip or tab system. It is prohibited for a combination of such panels to exceed 7.0 square feet of face area of any one side of a double-faced sign.

**Colors:** Signs shall be (Olympic) Oxford Brown or (Sherwin-Williams) Wolf Drive Grey (equal to Pantone #418 background with an off-white or cream (equal to Pantone #4545) lettering (not white). This color standard applies to all panel elements of the sign. Other color combinations are prohibited.

**Lettering:** Copy must be a standard block, non-serifed typeface such as Helvetica. Exception is granted where the proper name of the entity is a "stylized" typeface which is verified by use on business cards or letterhead.

**Logos:** Graphic logo images which represent the existing identity of the Company are permitted provided that such logo does not exceed 20% of the sign face.

**Quantity:** No more than one Real Estate or For Sale by Owner sign and/or one builder sign may be posted on any one lot.

**Placement:** One approved Real Estate, For Sale by Owner, and Builder sign shall be placed on the front of the lot within the buildable area of the property. The sign must be oriented with the address of the property. Signage is prohibited to be located along the boulevard, at the rear of the lot, or facing the golf courses.



**Term:** The term of such use is limited to a period ending when the house goes into contract.

### **NON-STANDARD SIGNAGE:**

Exterior signage is very limited in Muirfield Village. To obtain permission to place any sign that does not meet the definition of a standard sign requires application to the MDCC for review. When submitting an application it is important to include the type of sign requested, such as post and arm or metal tube type. A clear information cylinder or box may be attached to the mainframe of the sign. Signs must not be placed on common elements nor on street posts or in City rights-of-way. Signage found on common elements will be removed and stored for 60 days. Residents are encouraged to use newspaper or electronic media to advertise their sale. The following also applies to non-standard signage:

- Open House and directional arrow signs are prohibited.
- For Rent signs are prohibited.
- Advertising signs, school signs, banners and seasonal or decorative signs are prohibited on the exterior of homes.
- Political Signs
  - Political signage is permitted on lots 3 weeks before Election Day and no longer than 3 days following Election Day.
  - Political signage must be located within the buildable area of your property.
- Garage Sale/Yard Sale Signs: To cooperate with residents' wishes to identify their activity and yet control the unattractive sign clutter per the Warranty Deed and Design Standards, the following policy has been established for displaying garage sale signs in Muirfield Village.
  - Only one Association-approved garage sale sign may be displayed.
  - These signs are available at the Association office at no charge.
  - Directional signage is prohibited.
  - The signs are medium brown background with dark brown lettering.
  - One garage sale sign is permitted per lot.
  - The sign must be placed at the front of the lot within the buildable area of the lot.
  - Residents must secure a garage sale permit from City of Dublin and pay an accompanying fee. Contact the City of Dublin, 5800 Building, 5800 Shier-Rings Rd (410-4400) for questions.

**Enforcement:** The Association staff or appointee may remove signs that do not comply with the rules. If removed, the signs will be stored at the Association office and disposed of if not claimed after 60 days. The sign guidelines are available to all new residents in their welcome packet, posted on the website under 'Design Review', and upon request from the Association office.