

Birklands Rules & Regulations

There are several documents that govern the Birklands neighborhood:

The Declaration of Covenants, Conditions, Easements and Restrictions for Birklands Subdivision (“the Covenants”) is a document that “runs with the land” which means that the restrictions and requirements in the Covenants apply to anyone who purchases land (whether a lot or a house and a lot) in this neighborhood. When you purchased property in the Birklands neighborhood, you agreed to abide by the Covenants. These Covenants address many issues including the Birklands Owners Association’s (the HOA) authority to collect homeowner dues, each property owner’s obligation to maintain his or her property in good condition, and various “use restrictions”.

Thy Bylaws of the Birklands Owners Association were written and adopted by the subdivision developer. The Bylaws describe, among other things, how the HOA operates and authorize the Board of Directors of the HOA to adopt, amend, publish and enforce reasonable Rules & Regulations concerning the maintenance and appearance of each property and the health, comfort, safety and general welfare of the owners and occupants of each property.

These Rules & Regulations spell out what each homeowner is required to do to maintain the beauty, safety and harmony of the Birklands neighborhood. Some requirements may require approval by the Architectural Committee. Please see the Birklands Architectural Guidelines and Procedures for more information about obtaining approval. Most of the rules and regulations below are established in Article VII of the Covenants, titled “Use Restrictions.” Language in quotation marks, unless otherwise specified, is from Article VII.

If you need additional copies of any of these documents, please contact a Board member.



1. Maintenance of property

Each homeowner must maintain its property in a “safe, clean and attractive condition at all times” including

- Prompt removal of litter, trash, and plant waste;
- Lawn maintenance on a regular basis
- Tree and shrub pruning and removal of dead or diseased trees, shrubs and plants
- Maintenance of flower gardens, natural areas, landscape beds, exterior lighting, mechanical facilities, driveways and parking areas
- Maintenance of drainage easements

“Each Owner shall perform the foregoing responsibilities in a manner that does not reasonably disturb or interfere with the reasonable enjoyment by the other Owners.”

Landscape Beds and Mulches: Natural areas and landscape beds should be maintained which usually requires one or two annual additions of long-needled pine straw or bark mulch. Saw dust, red bark mulch and synthetic colored aggregates are not permitted in the front yard beds.

Vegetable gardens: Vegetable gardens should be located in the rear yard and out of view from the street. Vegetable gardens should be kept harvested and, when dormant, clear of high growing weeds.

Compost: Compost should be stored well out of view in the rear of the lot and enclosed to discourage animal infestation.

The installation or modification of a fence, wall or privacy hedge requires approval by the Architectural Committee. The Architectural Guidelines provides a picture and descriptions of the type of fence that is allowed in Birklands.

In the fall, leaves should be removed. Burning leaves is not allowed.

The Board of Directors encourages homeowners to use “organic” fertilizers and pesticides on their lawn and plants. The Board of Directors discourages, but does not prohibit, the use of potentially toxic chemical products such as Round Up and other weed killers, herbicides, and pesticides.

All hardscape structures (for example, walls, arbors, fences, walkways, gazebos, etc.) should be kept in good condition and should be repaired or replaced if damaged, discolored, cracked or showing signs of age.

2. No industry, trade, or business may be conducted without permission from the HOA Board of Directors. If permission is granted, such business or trade must not create a nuisance, traffic problems, or unreasonable noise or odor.

3. No livestock or poultry is allowed.

4. Garbage cans and recycle bins and materials should be stored out of view or screened. Garbage cans and recycling bins should be placed on the street for pick up as late as possible and removed as soon after emptying as possible. On windy days, please try to prevent trash and recycled materials from blowing across the yards and streets.

5. Backflow valves and other utility structures (such as well heads) should be screened with plantings of appropriate year-around species or with building covers, which requires approval by the Architectural Committee.

6. Some types of signs are allowed, but under no circumstances shall any sign be nailed to a tree:

Permanent Signs: Security signs (maximum number of two) are permitted and are to be placed near the front of the home. No other permanent signs should be displayed.

Temporary Signs:

- A single real estate 'For Sale' sign of not more than six square feet shall be allowed
- Contractor's or Builder's Sign: During construction or approved alteration (including landscaping), these signs shall be permitted provided that the signs are removed within 10 days of the completion of construction, alteration, etc.
- Parade of Homes Sign: Shall be permitted immediately prior to (two weeks), during, and after the Parade (four weeks).
- Open House Signs: These signs are permitted only on the days that the premises are open and only on the Owner's lot. Open House signs are not permitted on any Common Property.

7. Permanently displayed flags require approval by the Architectural Committee. Flags commemorating a holiday are allowed for no more than 4 consecutive weeks. Temporary flags do not require approval by the Architectural Committee.

8. Parking. "No boats, trailers, campers, motorhomes, trucks or tractors shall be parked on any lot" by any Owner, its family members, or tenants, except inside an enclosed garage located on a lot. This means that homeowners should try to keep their boats, trailers (including small trailers used for landscaping), riding lawn mowers and any vehicle other than a car or pick-up truck inside their garage, or on a parking area that is hidden from the street and adjacent neighbors.

9. No temporary structures, such as a mobile home or storage structure, are allowed.

10. "No fuel tanks or similar storage receptacles may not be exposed to view."

11. No mailboxes or delivery receptacles other than the single approved mailbox are allowed. Mailboxes should be maintained in good condition and should be repaired or replaced if damaged. Replacement mailboxes can be purchased from:

Rodney's Custom Signs
600 Irving Parkway
Holly Springs, NC 27540
Phone: 919-362-9669
Fax: 919-387-93204

12. Antennae, aerials, and satellite disks or dishes are not allowed without approval by the Architectural Committee. If approved, such items shall be kept out of view.

13. During construction and renovations, an owner's property should be kept clear of debris. Building materials should be placed out of sight when possible.

14. Clotheslines or drying yards should be placed out of sight in the back yard. Installation of a clothesline or drying yard requires approval by the Architectural Committee.

15. Bird baths, bird houses, bird feeders, sculptures, statues, lawn ornaments, wind chimes and art fixtures should be placed in the rear of the home.

16. Temporary Street Roping: Although Wake County prohibits temporary street roping, many homeowners choose to install this to protect their lawn. Temporary street roping should be **temporary** and should be maintained in good condition. This means that broken poles or tees should be replaced and bent poles should be straightened. If damage to lawns is occurring on a regular basis, a homeowner should consider permanent protection such as walls or large decorative stones. These additions would require Architectural Committee approval.

17. Open fires are prohibited.

18. Firearms, hunting and fireworks are prohibited .