

Hellgate Meadows Residential Neighborhood Association



Neighborhood Upkeep Rules and Policy

January 2014

Article XI of the Declaration of Covenants for the Hellgate Meadows Residential Neighborhood Association (HMRNA), parts 11.3 and 11.6 address requirements for attractiveness and safety of parcels and acceptable uses and maintenance of the parcels. Part 11.8 of the Covenants stipulates that the Association may adopt rules concerning the "...details of the operation, use, maintenance, and control of the parcels...", that owners, owners' family members, guests, and tenants must conform to and abide by the Covenants and rules. The following Policy and Rules specify how these sections of the Covenants apply to each parcel in HMRNA.

City of Missoula Laws and Regulations: Hellgate Meadows is within the City of Missoula, and Hellgate Meadows residents are subject to the laws and regulations of the City of Missoula, which are listed at <http://www.ci.missoula.mt.us/index.aspx?nid=268> City Codes include sections on subjects such as garbage and rubbish, weeds, fireworks, pets and other animals, noise control, removing fruits or vegetables from yards and gardens without permission, abandoned vehicles, and sidewalk maintenance. See the "Who to Contact" list at the end of this Policy for City contact information.

General Upkeep: Each property must be kept in good condition and any portion of the property visible from the street, lane, or alley must be kept free from debris. Unless such use affects adjacent properties, the HMRNA is not concerned with the condition of the inside of a building nor the condition of backyards or side yards within privacy fences.

- Garbage or recycling must be inside a sturdy, lidded container (not in a pile or in bags) if it is outside, and must be kept adjacent to or inside the house or garage, except on garbage day or recycling pick-up day.
- Yard waste may be accumulated temporarily prior to disposal, but must be disposed within 3 months and never stored on the street side of the lot.
- Construction materials must be piled neatly, and must not be visible from the street unless work is actively in progress (neat piles visible from the alley are OK).
- Furniture placed on a porch, deck, patio, or other outside area visible from the street or alley must be designed for outdoor use and be in good repair.
- Toys or sports equipment not in use must be stored so they are not visible from the street and do not encroach on neighboring properties.
- Visible building defects must be repaired within 2 months, except that repairs may be postponed during inclement weather.
- Paint and stain must be re-applied to buildings and fences whenever it begins to peel or fade unevenly, except that such work may be postponed until the next season when temperature and humidity are within the paint manufacturer's parameters for application.

- Seasonal decorations are encouraged, but must be removed after the end of the season (for instance, Christmas/Hanukkah/Kwanza decorations must be removed before Valentine’s Day).

Landscaping: Landscaping styles and plant selections are largely left to the owner’s preference, but must conform to the requirements in the Landscape Standards for Hellgate Meadows.

- Two trees of approved species must be present and healthy on each lot, as specified in the Landscape Standards for Hellgate Meadows.
- If grass lawn is present on the lot, any lawn visible from the street must be irrigated so that it stays green throughout the growing season, and must be kept mowed to less than 4 inches in height.
- Noxious weeds (see <http://www.mtweed.org/weed-identification/>), thistles, and dandelions must not be allowed to set seeds, and should be removed from yards wherever identified. An exception is allowed for homeowners who intentionally grow weeds such as St. John’s wort, Scotch broom, yellow flag iris, or dandelion plants for medicinal, culinary, or decorative purposes if the plants are confined behind solid fences extending from ground level to at least 5 feet above the ground or are always prevented from setting seeds.
- Any dead plant, bush, tree, or branch thereof must be removed and disposed as soon as practical, but at least within 6 months.
- Plants, bushes, and trees must be pruned so that they do not obstruct the width of any sidewalk or street from ground level to 8 feet above sidewalks and 10 feet above streets. Street trees growing in parkway strips are pruned by the HMRNA, but trees, bushes, and plants on lots must be pruned by the owner or someone hired by the owner.
- Parking areas and driveways on a lot must be paved if visible from a street or lane. Permeable paving is acceptable, including vegetated permeable paving. Well-maintained gravel or mulch parking areas are permitted if only visible from an alley, and the gravel or mulch is not permitted to encroach on the alley. Dirt parking areas are not allowed.

Vehicles: Out of courtesy for your neighbors, do not park in front of another property for extended periods of time. Each home in Hellgate Meadows has a garage on the alley that is intended to house residents’ vehicles, so that street parking is available for visitors and for short-term resident parking.

- Do not park a vehicle so that it blocks others from driving on an alley or street.
- The City of Missoula defines an abandoned vehicle as one that is parked in the same location on a street for longer than 5 days. See <http://www.ci.missoula.mt.us/index.aspx?NID=746>

Tents, Trailers, Temporary Structures, and Camping:

- Occasional use of tents for festive occasions or children’s backyard camping is acceptable, but must not encroach on other parcels.
- Utility trailers, camping trailers, or RVs may be stored on the alley side of residential lots that are large enough to accommodate them; are subject to City of Missoula “abandoned vehicle” regulations when parked on a street; may not block use of a

street, lane, or alley; may not be used for living quarters for more than 5 days in a row or 15 days in a year; and may not encroach on neighboring properties.

- Construction trailers, sheds, or port-a-potties may be placed on the lot(s) where construction is occurring, for the period of construction only, and may not obstruct or adversely affect the use of other properties, streets, lanes, or alleys.
- Sheds or other small structures must be kept in good condition and are subject to the same setbacks and design requirements as other buildings. See the Architectural Standards and Village Regulations for Hellgate Meadows.

Pets: The City of Missoula regulates the keeping of dogs, cats, rabbits, and chickens.

Regulations are posted at <http://www.ci.missoula.mt.us/DocumentView.asp?DID=1028>

- Among the requirements for chickens are mandatory chicken houses, which must not be located closer than 20 feet to any residential structure occupied by someone other than the chicken owner, custodian, or keeper. Hellgate Meadows Village Regulations further limit chicken house locations by requiring a 3 foot setback from side and rear lot lines. Chicken facilities must not be visible from the street. Practically speaking, this means that many lots in Hellgate Meadows are too small to permit keeping chickens.
- Pet waste must be regularly picked up and disposed so it doesn't become a health hazard. Dogs must not be allowed to deposit waste in yards that don't belong to their owners. Dog waste deposited in parkways or common areas must be picked up and properly disposed. MuttMitt stations are provided at the two largest common areas.
- Outside their own yards, pets must be kept from aggressively approaching or attacking other people or animals. At the common area bounded by Dublin Street, O'Leary Street, and Geary Lane, dogs may be run off-leash if they are not aggressive with people or animals, and if under voice control at all times. Elsewhere, when outside their own yards, dogs must be leashed.
- Pets or their enclosures must not emit noxious odors or make noise of a loud and persistent or habitual nature that can be heard inside adjacent homes, especially at night.

Play Structures: Children's play structures such as swing sets, basketball hoops, tree houses, or trampolines must not be located closer to the street than the front of the house and may not encroach on neighboring properties. Any such structures visible from the street, lane, or alley must be kept in good repair.

Enforcement: Owners are responsible for conformance to these rules by themselves, family members, their guests, and their tenants. Enforcement of these requirements will be as detailed in Section 11.8 of the Declaration of Covenants for HMRNA. This process includes:

- Any Owner who believes the rules have been violated should talk to the other person and try to resolve the issue.
- If the issue cannot be resolved politely, either:
 - Notify the City of Missoula if the issue is covered by City of Missoula laws or regulations, using the contact information in the "Who to Contact" section of this policy.
 - Notify the Board if the issue is addressed in the HMRNA Neighborhood Upkeep Rules (contact the Board via Email: board@hmrna.org) The Board will investigate. If the concern seems valid, the Board will try

to contact the Owner in person to offer the Owner an opportunity to be heard and to resolve the issue. If unable to contact the owner in person or resolve the issue verbally, the Board will give written notice to the Owner who is believed to be in violation (or whose family member, guest, or tenant is believed to be in violation) within 60 days, and offer the Owner an opportunity to be heard and to resolve the issue.

- It is the goal of this Policy to both insure the quality of neighborhood upkeep and resolve any concerns amicably. Any Owner who has been notified by the Board that a rule appears to have been violated may address the Board in writing or in person at the next scheduled Board meeting (normally the second Tuesday of each month) concerning the issue. The Board will listen carefully and work with the Owner to resolve the issue to the satisfaction of both the Owner and the HMRNA, if it is possible to do so without adversely affecting the neighborhood.
- If the issue cannot be resolved to the satisfaction of both the Owner and the HMRNA, the Board will direct the Owner, in writing, to correct the violation. If the Owner refuses to correct the violation within 60 days after written notice, or fails to follow the agreed resolution, the Board may:
 - Contact the City to handle the issue, if it is addressed by City of Missoula laws or regulations and Hellgate Meadows requirements are not more restrictive.
 - For violations that can be physically corrected, such as bushes or trees obstructing the sidewalk: arrange to have the violation corrected and bill the Owner for the work along with Association dues billings. Such billings are subject to the same process as dues, if not paid within 30 days.
 - For non-physical violations, such as keeping indoor upholstered furniture on a front porch: assess a fine of a dollar a day until the violation is corrected. Such fine will be billed along with Association dues billings. Such billings are subject to the same process as dues, if not paid within 30 days.

Who to Contact if there are problems with or questions about:

Abandoned Vehicles: 552-6293, Missoula Police Department

Defined as vehicles (including RVs and trailers) parked in the same location on a city street for longer than 5 days. Reporting forms (and links to laws) are also available at <http://www.ci.missoula.mt.us/index.aspx?nid=851>

Animal Control: 541-7387, Animal Control Center (animals at large, barking dogs, etc.)

Curfew: 552-6300, Police Department

Defined as minors under 18 years of age in a public place after 1AM weekends, 10:30PM weekdays, or 11:30PM weekdays if there is no school the next day.

Fireworks: 552-6210, Fire Department; 258-4850, Police Department Fireworks Report Line July 1-5 only

Defined as the sale or use of fireworks within the City of Missoula (except the Southgate Mall July 4 show)

Garbage: 258-4775, City-County Health Department

Garbage that is accumulated in such a way as to create a fire, health or other safety hazard. Garbage, which may be put out 12 hours prior to scheduled pick-up, must be stored in a covered container at all times

Noise as a Nuisance: 552-6300, Police Department (noises louder than 50db from 10PM to 7AM)

Odor/Air Quality: 258-4755, City-County Health Department

Public Nuisance: 258-4770, City Health Officer

Defined as anything that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property

Sidewalks: 552-6360, Public Works

Sidewalks must be shoveled by 9 AM following a snowfall on weekdays, or noon on weekends and holidays. Snow shoveled from a walkway should be deposited into the yard adjoining it or boulevard between the sidewalk and street. *Do not shovel snow into bike lanes or roadways*, and be sure to shovel the sidewalk ramps at intersections.

To report sidewalks that have not been cleared, call or fill out the Sidewalk Snow/Ice Complaint Form (<http://www.ci.missoula.mt.us/forms.aspx?fid=118>).

Owners and/or tenants are also responsible for repair or replacement of hazardous/deteriorated sidewalks in front of and adjacent to their property.

Streets: Signage, Paving, Use of – 552-6360, Public Works

Weed Hazard Program: Weeds hazard hotline – 552-6345

Weeds over 24” tall constitute a nuisance and are potential fuel for fire that could damage property or life. Call the hotline, or you can fill out an online complaint at <http://www.ci.missoula.mt.us/Forms.aspx?FID=99>

Broken sprinkler heads or other leaks in the irrigation system: Hellgate Meadows Residential Neighborhood Association (contact the Board via Email: board@hmrna.org)

You want to modify your home’s exterior, including adding a fence, sidewalk, or porch: Hellgate Meadows Residential Neighborhood Association Architectural Review Committee, call or e-mail Kathie at 541-8639 or kathie.snodgrass@hmrna.org

Other concerns about neighborhood common area upkeep or violations of covenants: Hellgate Meadows Residential Neighborhood Association (contact the Board via Email: board@hmrna.org)