

## **Rules & Covenants Guidelines**

The following guidelines are being provided in order to assist you in complying with the Covenants and rules of the HOA. The list is not meant to be all encompassing, but is a representation of the most common violations.

The following guidelines are not a replacement for the Covenants. These guidelines are supplements to the restrictions listed in the Covenants and explain how the Covenants may affect you and your neighbors when you propose to add something to your home in Elbo Creek. HOA guidelines also help explain these rules.

The rules are designed to preserve the quality of life in Elbo Creek and help to maintain the value of your property. These rules may change as the community grows and experiences change. Please check with the Board if you have questions about these rules.

### **PROPERTY IMPROVEMENTS**

The Architectural Control Committee (ACC) must approve all changes made to the outside of any home or property. ACC approval is required for, but not limited to the following items:

Fence, Shed, Car Port, Deck Patio, Impervious Path or Surface, Pool, Dog Run, Addition, Green House, Play Structure, Tree House, Major Landscaping, Trellis, Arbor, Gazebo, Pergola, Water Feature, Clearing, Grading, Filling, Awning, Unattached Buildings, Driveways, Parking Pads, Satellite Dishes, Television Antennas, etc.

### **PARKING**

#### **Trailers, RVs, Boats, ATVs, etc.**

Trailers, boats, unattached campers and RVs of any kind or size in the driveway of a property more than 48 hours in a ten day period, without a variance from the HOA are prohibited. Trailers, boats, unattached campers and RVs are not to be parked in the streets.

#### **Vehicle Parking and Inoperable Vehicles**

No vehicle may be parked on any building lot, except on designated and approved driveways or parking areas, and such areas shall be hard-surfaced (concrete only if in view from the street). Only the cars of Owners, guests and visitors may be parked on the streets and only in front of the Owner's property but must not interfere with traffic, pose a safety risk and WILL NOT remain parked for a period to exceed 24 hours. All other vehicles shall be parked in garages or on driveways located entirely on the Owner's lot.

## **Rules & Covenants Guidelines, cont.**

### **Inoperable Vehicles**

No inoperable or decrepit vehicles shall be stored on the property within public view or on the streets within the subdivision. An inoperable vehicle is any vehicle which is not street legal or drivable in its current condition. This definition also applies to trailers, boats, campers, RVs, and similarly defined vehicles.

### **Semi Parking**

No large semi type or vehicles in excess of the one-tone category commercial vehicles and/or trailers are allowed to be kept or stored on any lot or common area within the subdivision. Exceptions may be granted for temporary parking of moving or construction vehicles.

### **LOT MAINTENANCE AND APPEARANCE**

It is the responsibility of each Owner to maintain the appearance of the visible areas of the property. Poorly maintained structures, landscapes, unsightly items (as determined by the Board) such as tools, furniture, rubbish, etc., are in violation of the rules. This guideline also applies to contractors who shall remove trash and debris from the construction site on a regular basis.

Lawn seeding and plant materials installation shall occur within twelve months of dwelling occupancy. A minimum of three trees and six shrubs shall be installed and maintained on each lot within twelve months of occupancy.

### **TRASH AND RECYCLING CONTAINERS**

Trash and recycle containers not stored within the garage or an enclosed, opaquely screened area immediately attached to the dwelling structure is a violation of the rules. Trash and recycle containers should only be visible and made available for pickup for scheduled times on trash day.

### **ANIMALS**

#### **Pet Limits**

In accordance with the HOA, no animals, livestock (including but not limited to goats, pigs, chickens) of any kind, other than household pets, shall be kept or maintained on any part of an Owner's property. Dogs and cats may be kept on any lot. No animal shall be kept, bred or maintained for any commercial use or purpose. Unless otherwise posted, no animals are allowed on recreation/common areas.

## **Rules & Covenants Guidelines, cont.**

### **Dog Runs and Kennels**

Outside pens, kennels or structures for the keeping of pets shall be placed in the rear yard, and shall have a non-permeable floor surface such as concrete or asphalt, and completely screened from the view of adjacent neighbors. All construction of outside enclosures for household pets shall be approved by the ACC.

### **Nuisance Animals**

Excessive nuisance animals – Owners are encouraged to call the Sheriff for animal related problems and 911 if an animal is dangerous. An animal can be deemed a nuisance if a problem is persistent and ongoing. Any nuisance animal behavior must be documented in writing to show the pattern of the problem and should be verified by at least two Owners. Unattended pets shall not be allowed beyond the Owner's property. Unattended pets roaming beyond the Owner's property shall be considered a nuisance animal.

### **MISUSE OF COMMONLY OWNED AREAS**

Destruction or damage to any common area property within the subdivision may incur an automatic fine of up to \$500 to be levied against the Owner responsible for the destruction/damage. This includes but is not limited to activity on common areas, dumping on common areas, or destruction/damage of common areas. Owners are responsible for all tenants, family members and guests. Costs to assess possible damage, replace or repair the vandalized property, along with applicable attorney fees for the HOA will be the responsibility of the guilty party or responsible Owner. For safety and sanitation reasons, pets are not allowed in the common areas. Common areas are open for use by all Owners and guests from dawn until dusk.

## Enforcement Policy

**Voluntary Compliance:** The primary way high community standards are preserved in Elbo Creek Estates West is for everyone to voluntarily follow the Rules and Covenants and be good neighbors. As a result, the HOA should not have to take enforcement action often to restore compliance with the Rules and Covenants.

**Board Authority:** Occasionally some Owners will fail to comply with the Rules and the Covenants, so something more is needed to bring them into compliance. This Enforcement Policy ("Policy") is meant to guide the Board in acting to restore a homeowner's compliance with the Rules and Covenants through a process that is fair, efficient, and effective.

The Covenants give the Board broad authority and a wide variety of tools to use in preserving and advancing the community-wide standards through enforcement of the governing documents. The Board is authorized to create rules, regulations, procedures and penalties, and may use its discretion to determine the manner in which enforcement is to be achieved.

**Identifying a Possible Violation:** HOA has primarily a complaint-based enforcement system. Possible violations may be identified by the Board, by an Owner's written complaint, or by other reasonably reliable means. The Board has no plan and no obligation to perform inspections of an Owner's property in order to identify possible violations.

**Written Complaint:** Owners are encouraged to take responsibility for the condition of the HOA. Any Owner may bring a possible violation to the Board's attention through a written complaint, e-mailed, faxed or mailed to the Board. The complaint must identify the property address or Owner, and must specifically and sufficiently describe the violation and date of the violation. Complaints may, but are not required to, be kept confidential.

**Enforcement Policy, cont.****Enforcement Procedure:**

- Notice of Violation – A courtesy notice citing the violation(s) with a request to correct the issue within a specified time period will be delivered to the Owner. The time period may vary based on the nature of the violation and the Board's discretion.
- The Owner must either cure the violation as specified in the notice, or submit a written request for a hearing with the Board to dispute the violation within ten days of the date of the notice.
- If the violation remains uncorrected and the Owner does not dispute the violation in writing, a fine will be imposed. Fines will begin one day after the deadline as indicated in the Notice of Violation.
- Fines will double for any violation that recurs within a 365 day period.
- If fines levied on the Owner are ineffective, the Board of Directors will take other action(s) as necessary in further attempts to correct the violation. This action may include legal and/or collection activity.
- Hearings requested by the Owner will be scheduled within 45 days of the receipt of the request for a hearing. Owner is responsible for calling to reschedule if the time or date is in conflict. If the Owner fails to attend the hearing, the original violation holds and the Owner waives all right to any further dispute of the violation.
- The Board reserves the right to authorize fines for violations not specifically listed within HOA documents.

## **Schedule of Violation Fines**

### **Property Improvements**

Up to \$500 per month until the violation is remedied

### **Parking**

Up to \$25 per day until the violation is remedied

### **Lot Maintenance and Appearance**

Up to \$25 per day until the violation is remedied

### **Animals**

Up to \$25 per day until violation is remedied

The above is not a complete or comprehensive list of fines. All unlisted violations will result in reasonable fines as determined by the Board of Directors.

All fines double for violations that recur within a 365-day period.