

2022 MARRCREST HOMEOWNERS' ASSOCIATION POLICIES

The following policies that have been approved by the Marrcrest HOA Board of Directors (the "Board") work in conjunction with the Declaration of Restrictive and Protective Covenants and Conditions (the "Declaration") and the Bylaws of our Planned Unit Development (PUD) for the benefit of all Owners and residents of Marrcrest.

Under the provisions of Utah Code 57-8a-217, the Board may adopt, amend, modify, cancel, limit, create exceptions to, expand, or enforce these policies, subject to any limitations imposed by the Declaration or by Utah Code. No vote of the Owners is required for the Board to take such action.

Before adopting, amending, modifying, canceling, limiting, creating exceptions to, or expanding these policies, the board shall deliver a notice to the Owners at least 15 days before the board will meet to consider such a change and provide an open forum at the board meeting giving Owners an opportunity to be heard before the board takes action.

A copy of the updated policies approved by the Board will be provided to the Owners within 15 days after the date of the board meeting where the changes are approved and adopted.

A Board action regarding Marrcrest HOA policies is disapproved if within 60 days after the date of the board meeting where action was taken, there is a vote of disapproval of at least 51% of all of the allocated voting interests of the Owners in the association and the vote is taken at a special meeting called for that purpose by the Owners under the Declaration and Bylaws.

ARCHITECTURE & DESIGN

While there is no policy currently in place requiring Owners to obtain HOA board approval for new construction or improvements, it is hoped that any new construction or improvements will complement the overall character of Marrcrest in terms of architecture, design, materials and color. Owners are advised to check with Provo City regarding any permits that may be required for a project and any offset or easement ordinances that may apply.

CONSTRUCTION AND MAINTENANCE SERVICE PROVIDERS

1. Prior to commencing a construction project which will require the use of a dumpster or portable toilet facility, Owners must notify the Board or property manager and receive authorization to place those items in a location that does not interfere with HOA parking, the right-of-way of traffic, or delivery of U.S. mail.
2. Vehicles belonging to a service provider performing maintenance or repairs to an Owner's property must be parked in a location that will not interfere with the right-of-way of traffic or impede U.S. mail delivery.

EMERGENCY CONTACT INFORMATION

All Owners are required to provide the HOA with a phone number at which the Owner may be reached in case of emergency. If Ownership is in the name of an entity, such as a corporation or trust, the name and phone number of an authorized emergency contact must be provided. Emergency contact info may be sent to board@marrcrestutah.com.

ENFORCEMENT

1. Formal enforcement of the policies will generally be carried out by the Management Company under authorization from the Board. Details of the formal enforcement procedure are outlined in the Marrcrest Homeowners Association Fine Schedule.
2. All complaints must be submitted **in writing** to board@marrcrestutah.com. Owners are asked to provide as many details as possible to help the respondents evaluate the problem and determine if there has indeed been a violation. This may include a description of the violation, the name of the person(s) involved (if known), the date and time the violation occurred, and any photos to document the occurrence. **Complaints will be kept confidential and the name(s) of the Owners(s) submitting the complaint will not be disclosed to the Owner responsible for the violation.**
3. Owners who submit a complaint will receive a timely acknowledgement of receipt. All complaints will be reviewed and acted upon in an expeditious fashion.
4. The Board, at its discretion, may choose to resolve a complaint for a minor offense by having a conversation with the Owner in question rather than through the formal enforcement process. In some cases, this may bring about the most expeditious resolution.
5. Some complaints may involve discussion by the Board at the following board meeting. Discussions about a specific violation will take place in an executive session following the open board meeting in order to preserve the confidential nature of the complaint. Likewise, the published minutes will not contain the names of the Owners who are in any way associated with the complaint, although a record will be kept on file.

EXCESSIVE NOISE

Excessive and continuous noise, including, but not limited to, noise caused by vehicles, machinery, amplified music, animals, and public gatherings in the common area is not permitted between the hours of 10:00 pm and 7:00 am. The HOA reserves the right to either address the violation according to the Fine Schedule or to report the violation to Provo City for enforcement.

FIRE PITS

Only gas or charcoal fire pits are permitted within Marrcrest.

FIREWORKS

Sparklers and non-aerial fireworks are permitted within Marrcrest.

FLAGS

1. Flags and banners displayed on an Owners' premises may be no larger than 3' x 5'. Permanent flag poles may be up to 20' high.
2. While the HOA respects the rights of Owners to display flags and banners on an Owner's property, those which contain profanity, "hate" speech, or symbols which are generally accepted as hostile in nature may not be displayed.

GARBAGE COLLECTION

1. Garbage and Debris: all rubbish, trash, refuse, waste, dust, debris and garbage shall be regularly removed from the home and shall not be allowed to accumulate thereon or to be stored in such a manner that it is visible from the street.
2. City services for the collection of garbage and recyclable items in Marrcrest is scheduled for Thursday of each week, except during the weeks of major holidays, in which service may be delayed by one day. A current sanitation schedule is available on the Provo City website.
3. If possible, garbage containers should not be put out before 6PM on the day prior to the pick-up day. Containers should be removed from the street at the Owner's earliest convenience on the day of collection. To keep our roadways clear, Owners are encouraged to assist neighbors with this effort if an Owner is delayed in returning the containers to the Owner's storage location.
4. Garbage containers should be stored out of sight inside the Owner's garage or carport.

GUESTS

Owners are responsible for the conduct of the Owner's guests with regard to Marrcrest HOA's Rules and Regulations, including parking.

MAINTENANCE OF HOMEOWNERS' YARDS

Owners are responsible for the care and keeping of the grounds within the Owner's lot. Grass, flower beds, and other landscaping features should be maintained to the same general standard of upkeep and cleanliness as the common area. This includes regular mowing and weed removal, subject to weather conditions. Questions regarding the application of this rule may be directed to the HOA board for clarification.

MAINTENANCE OF IMPROVEMENTS

To maintain the high aesthetic standards of Marrcrest, dwelling exteriors should be attractive, clean, and in good repair. The following do not meet the standards of the community:

- Excessive peeling, faded, or mismatched paint or stain
- Cracked or broken windows
- Loose, rotten, or missing trim
- Loose, rotten, or missing siding
- Missing or broken roofing materials (shingles, tiles, etc.)
- Unstable, rotten, loose, or fallen fencing
- Personal property permanently stored in an Owner's yard, driveway, or home exterior in a manner which is visible from the common areas
- Construction debris
- Grass that is tall, dead, or otherwise uncared for
- Excessive weeds or uncared-for decorative plants
- Inoperable or crooked garage doors
- Loose, broken, or sagging rain gutters

- Broken or missing mailbox

The HOA Board and/or property manager periodically inspect the community to ensure these standards and guidelines are being met. Owners will be notified in writing of any deficiencies observed by the HOA Board or Property Manager. The written notice will include a reasonable timeline for correction determined by the HOA Board, depending on the scope of the repair and other factors such as seasonal weather delays. All other terms of the Fine Schedule apply, including the Owner's opportunity to appeal the notice of violation.

NUISANCES

It is the responsibility of each Owner and resident to prevent the creation or maintenance of a nuisance in, on or about the community. The following are considered nuisances and are prohibited:

1. Excessive or continuous barking, whining, howling, or other animal noises which continues for more than ten minutes or occurs intermittently for more than one-half hour to the disturbance of others, regardless of the time or day or night.
2. Anything in unclean, unhealthy, unsightly or unkempt condition on, in or about the home or the common area.
3. The storage of any substance, thing or material, upon any home or in the common areas that will emit any foul, unpleasant or noxious odor or that will disturb the safety, comfort, or serenity of the other residents.
4. Maintaining any plants, animals, devices or items, instruments, equipment, machinery, fixtures, or things of any sort whose activities or existence in any way is illegal or diminishes or destroys the enjoyment of the community by other residents.
5. The placement of aluminum foil, newspapers, reflective film coatings, blankets, sheets or similar materials to cover the exterior windows of any home. Only professionally installed dark window tinting, to protect the inside of the home is allowed, as long as it is not bright silver, gold or an otherwise bright color.

Parents/guardians/residents are responsible for any damage that their children may cause.

PARKING AND TRAFFIC

Rules and regulations with respect to traffic and parking within Marrcrest are addressed in the attached Marrcrest Homeowners Association Traffic and Parking Policies document dated November 12, 2019, with the following addition:

Vehicles parked in HOA parking must be moved once every 72 hours, whether the vehicle is the property of an Owner, tenant, or guest. As a reminder, HOA parking may only be used as overflow parking for Owner vehicles if all parking areas on the Owner's own property (garages, carports, driveways, etc.) are already occupied by Owner vehicles. Garages, carports, and driveways may not be used for storage if it will result in the need to park an Owner vehicle in HOA parking.

PETS

1. In accordance with Provo City code (14.10.20(5)(f), ownership of dogs and cats is limited to no more than two (2) dogs and two (2) cats which are six(6) months of age or older per household. No limits are placed on other types of indoor household pets.
2. Farm animals such as chickens, pigs, goats, sheep, horses, etc. may not be kept within Marrcrest.
3. For reasons of the health and safety of the Owners and residents of Marrcrest, animals prohibited under Provo city's animal control ordinances are not permitted within Marrcrest.
4. Household pets belonging to Owners or their tenants or guests must be leashed at all times when outside of the Owner's home or enclosed, fenced area.
5. Animal waste must be immediately cleaned up and properly disposed of.
6. To prevent animal waste in the playground area where children or others may come in contact with it, animals are not permitted on the playground sand at any time.
7. Owners are strictly liable for any accident or injury to persons or property caused by their pets or a pet belonging to the Owner's tenant or guest. Each Owner shall indemnify, defend, and hold harmless the HOA and its officers, directors, employees, committee members, managers, and agents from all claims, obligations, liabilities, damages, expenses, judgments, attorneys' fees and costs arising from or related to the Owner's pets or a pet owned by the Owner's tenant or guest.

POND AND STREAM

1. No climbing is permitted on the rocks or water feature in the pond area, except by those authorized to perform repairs and maintenance.
2. No throwing of rocks or other objects into the pond is permitted.
3. No swimming, wading, fishing, or other recreational activity is permitted in the pond. Only individuals who have been authorized to perform repairs and maintenance may enter the pond.
4. The cost of operating and maintaining the pond and water feature is high and the lining of the pond, electrical and mechanical elements, and design features are easily damaged. The cost of any repairs or replacements which are necessary due to any violation of these rules will be borne by the Owner responsible for the damage, whether caused by the Owner directly or by the Owner's children, pets, tenants, or guests.

RIVERSIDE COUNTRY CLUB

Riverside Country Club is private property. Owners, household members, tenants, guests, and pets are prohibited from trespassing on Riverside Country Club property. In addition to our commitment to be good neighbors, our respect of the property line is vital to preserving our unobstructed view of the property owned by Riverside Country Club as they retain the right to install fencing at their discretion.

STREET LIGHTING

Since we do not have city street lighting, each Owner is required to have a light either on a pole or garage exterior no less than fifteen (15) feet from the street. This light, whether gas or electric, should be of a reasonable brightness to light the immediate area, since this is what provides safety and security for our area. These lights must be on from dusk until dawn, which usually means that they need to be on a sensor (electric eye). Light bulbs should be replaced promptly when burned out since this is a matter of safety and security.

SHORT TERM RENTALS

1. Non-owner occupied properties may not be leased for a period of less than thirty (30) days. Short term or “vacation” rentals, defined as a rental term of less than 30 days, are not permitted--whether directly from the Owner or through a third party such as Airbnb or VRBO.
2. Owners who occupy their Marrcrest property as their primary residence may lease their property for a period of less than thirty (30) days once within a thirty-day period.
3. Month-to-month leases are permitted.

SIGNAGE

1. With the exception of #2 and #3 below, no signs, billboards, or advertising structures may be erected or displayed within Marrcrest on any of the lots or dwellings, or parts or portions thereof, except that a single sign not more than 2 x 3 feet in size may be displayed to advertise a specific unit for sale or rent.
2. The display of political yard signs is limited to one sign per candidate or ballot initiative no larger than 18 x 24 inches for a period of 30 days prior to an election. Political signs must be removed within 48 hours following the election.
3. Signs marking special occasions (birthdays, graduations, homecomings, etc.) are permitted in an Owner's yard for a period of up to 14 days.

TENANT RESIDENCE

1. Any Owner who leases or rents their property shall notify the Marrcrest HOA of the tenant(s) named on the lease. It is recommended that Owners also provide the tenant's contact information for the purposes of including the tenant in any communication regarding community events or other news of interest or importance to residents of Marrcrest.
2. Owners are responsible for providing the tenant with a copy of the Rules & Regulations of the HOA. The Owner will be held responsible for any violations of tenants and tenant's guests, including the obligation to pay any fines assessed as a result of the violation.

WATERING

To conserve water and manage the high cost of water paid by the HOA, watering must be done between the hours of 8:00 PM and 10:00 AM. Watering is not permitted between the hours of 10:00 AM and 8:00 PM.

ZONING

1. Marrcrest is zoned R-1, which is a one-family residential zone. This limits occupancy in one unit to:
 - a. One person living alone
 - b. A head of household and up to two unrelated individuals if they share common living areas and the kitchen.
2. "Head of household" is defined as an individual owner-occupant or one with one or more dependents who are related to the head of the household by blood, marriage, or adoption and may be claimed as dependents for the purpose of the United States Internal Revenue Service. (Refer to Provo City's zoning section 1406 for questions and clarification.)
3. If the Owner does not occupy the Owner's dwelling, occupants are limited to two unrelated individuals and their respective dependents as defined above.
4. Any known violation of R-1 zoning ordinances may be reported to the Provo City Zoning Office for enforcement.