

Plum Creek Homeowner's Association Rules and Regulations

INTRODUCTION:

These rules are established as a basis for a successful community and an enjoyable lifestyle. At the Plum Creek Town Home Community, rules are not only essential, but are a necessity. Rules are established by the Homeowners Association (hereafter referred to as "the Association") for the benefit of the members and for the protection of their property. Residents are responsible for complying with the rules and regulations and are, therefore, encouraged to assist in the enforcement of Association rules and regulations by reporting violators in writing to any the Association Manager.

RULES AND REGULATIONS:

All residents should contribute to the enforcement of the Rules and Regulations, which govern our community. All complaints will be held confidential. All complaints **MUST** be in writing and signed by the complainant to be legally enforced. Management will then act upon all written complaints, when received.

FINES AND APPEAL PROCESS:

Fines imposed for any violation the association's governing documents may be assessed in accordance with the following general guidelines, unless otherwise specified. All authority related to noticing and assessing fines may be delegated to the managing agent. Fines may be imposed to both the Owner or the renter at the Board's discretion.

First Notice. The first communication with an Owner about an observed violation shall be a letter sent from the Association or its agent as warning that (i) describes the violation; (ii) states the rules or provision of the governing document that the owner's conduct violates; (iii) states that the Board of Directors may, in accordance with applicable statutes, assess fines against the Owner if a continuing violation is not cured or if the lot Owner commits similar violations within one year after the day on which the Board of Directors gives the Owner the written warning or assess a fine against the Owner; and (iv) if the violation is a continuing violation, states a time that is not less than 48 hours after the day on which the Board of Directors gives the Owner the written warning by which the Owner shall cure the violation.

Second Notice (First Fine). If a continuing violation is not cured within the time provided in the First Notice or if a similar violation has occurred within one year after the First Notice, the Owner and/or Resident may receive a \$50 fine.

After the Association assesses a fine against an Owner, the Association may, without further warning, assess an additional fine, in the amounts indicated herein, against the Owner each time the Owner: (i) commits a violation of the same rule or provision within one year after the day on which the Association assesses a fine for a violation of the same rule or provision; or (ii) allows a violation to continue for 10 days longer after the day on which the Board of Directors assesses the previous fine.

Second Fine. If a continuing violation is not cured within ten days after the Second Notice (First Fine) or if a similar violation has occurred within one year after the Second Notice, the Owner and/or Resident may receive a \$100 fine without further warning.

Third Fine. If a continuing violation is not cured within ten days after the Second Fine or if a similar violation has occurred within one year after the Second Notice, the Owner and/or Resident may receive a \$200 fine without further warning.

Fourth and Additional Fines. If a continuing violation is not cured within ten days after the Third Fine or if a similar violation has occurred within one year after the Second Notice, the Owner and/or Resident may receive a \$400 fine each successive ten days without further warning.

Late Fees on Fines. A \$30 late fee may accrue on each unpaid fine every ten days, at the discretion of the Board of Directors.

Appeal. An Owner who is assessed a fine may request an informal hearing before the Board of Directors (the managing agent may not be delegated this duty) to dispute the fine within 30 days after the day on which the Owner receives the notice that includes the first fine. At the hearing, the Board of Directors shall provide the Owner at least four minutes to present the Owner's position to the Board of Directors. The Board of Directors shall also allow the Owner or any other person involved in the hearing to participate by means of electronic communication. After the Owner has had an opportunity to be heard, the Board of Directors shall convene an executive session where it shall make a final decision, whether the appeal is granted or denied. The final decision shall be mailed or communicated electronically to the Owner after the final decision is made in that executive session.

Fines may be Assessments. The Board of Directors reserves the right to collect any unpaid fines as an unpaid assessment, including the filing and foreclosing of a lien, and to seek recovery of all costs, expenses and attorney fees from the offending Owner(s)/Resident(s).

SNOW REMOVAL

The Association shall remove snow from common sidewalks, common parking and all community streets. Residents are responsible for removing snow from their driveways, sidewalks from driveways to entry doors, sidewalks that are for one unit's individual use, porches and patio areas.

PARKING AND VEHICLE RULES

(Driveways are considered limited common area as defined by the plat map and governing documents of the Association.)

1. Residents may only park their vehicles within their garage, driveways or in other designated parking areas.
2. Parking of any vehicle on the street or sidewalk is prohibited unless parked in a designated parking space. Vehicles parked in violation are subject to immediate towing and/or fine.
3. No resident shall repair or restore any vehicle of any kind in, or about the limited common areas or common areas except for emergency repairs, and then only to the extent necessary to enable movement to a proper repair facility.

4. Storing vehicles in the limited common area or common area parking is prohibited. All vehicles that are parked for periods longer than 2 days are considered to be stored and are in violation and are subject to towing and/or fines.

5. Each owner is responsible for leaking or damage caused by any vehicle using the limited common areas or common area parking.

6. Vehicles may not be parked on any sidewalks at any time.

7. Vehicles are not allowed to drive or park on the lawn at any time.

8. Driving motor-powered vehicles of any kind (mini bikes, motorcycles, go-carts, go-peds, cars etc.) on the sidewalks or landscaped areas is prohibited.

9. All drivers of motorized vehicles must have a valid driver's license.

10. Driving within the boundaries of the community at speeds in excess of 15 mph is prohibited.

11. Washing your vehicle on the property is allowed, only if clean up is completed in a timely matter. (Remember to keep the water to a minimum.)

12. Except for purposes of loading or unloading passengers or supplies, NO RECREATION, COMMERCIAL OR OVERSIZED VEHICLE PARKING IS ALLOWED.

If any vehicle parked in the community fits within the below parameters it will be deemed to be in violation and subject to immediate towing.

Recreational vehicles include, but are not limited to, boats, motor-homes, trailers, campers, snowmobiles, jet skis, 4-wheelers etc.

Commercial vehicles include, but are not limited to, any vehicle that has a commercial license plate or any commercial advertising on the vehicle proper.

Oversized vehicles include, but are not limited to, any vehicle that does not fit within the boundaries of a driveway (sidewalks are not part of driveway and must remain clear) or does not fit within a single designated parking space.

If you have a vehicle that falls within these parameters and it is found parked in any common or limited common parking space (driveways are considered limited parking), it is subject to immediate towing. Please take whatever steps necessary to arrange to park these types of vehicles outside the community.

NUISANCE

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. Unclean, unhealthy, unsightly or unkempt condition on, in or about the home or the common area.

2. Parents/guardians/residents are responsible for any damage that their children may cause.
3. Any tobacco smoke that drifts into another residential unit, more than once in each of two or more consecutive days, is a nuisance under Utah State Law.
4. The storage of any substance, thing or material, upon any home or in the common areas that will emit any foul, unpleasant or noxious odors, or that will cause any noise or safety, comfort, or serenity of the other residents.
5. 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.
6. Too much noise in, on or about any unit, or in the common area, especially after 10:00 P.M. and before 7:00 A.M.
7. 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.
8. Trees, Shrubs and Bushes: All common property located near driveways, entrances, exits, walkways, paths and the street shall be maintained by the association. No owner may plant any shrubs, bushes or trees without the WRITTEN consent of the Association. Owners may not alter or remove any of the existing plants, shrubs, or grass.
9. Business Use: No commercial trade or business may be conducted in or from any home, unless the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the residence. The business activity does not involve persons who do not live in the community coming into the community for business or going door to door.
10. Window Coverings: No aluminum foil, newspapers, reflective film coatings, blankets, sheets or similar materials may be used 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.
11. No structural alterations to any residential unit are allowed without WRITTEN consent from the Association. This includes attaching anything to any building.
12. SIGNS: Political signs (1) may be posted, during an election cycle, but must be removed the day after voting. For Sale or For Rent signs (1) may be posted. No other signs or banners are allowed, without written consent from the Management Committee.
13. Holiday decorations must be removed by the end of the second week of January, or within 2 weeks from the end of the holiday in which decorations were put up.
14. NON-MOTORIZED VEHICLES: which include, but are not limited to, bicycles, skateboards, scooters, roller blades, etc., must abide by the following rules:

- a. Follow all traffic laws
- b. Follow all community posted and non-posted rules
- c. Yield to pedestrians
- d. No jumping on, off or over curbs, stairs, roundabout area or furniture.
- e. No construction of any form of a jump or ramp is allowed within the community
- f. May not cause a nuisance of any kind

All complaints will be aggressively addressed.

15. All patios and porches must be kept neat and clean at all times. Patios and porches are not to be used for storage. If items are placed on the lawn next to a patio, they must be moved regularly so the lawn is not damaged.

If you wish to enclose your patio only a permanent pre-approved gate is allowed. No temporary gates are allowed.

PETS

These Pet Rules and Regulations are established and implemented pursuant to Article P1 subsection (c) (13). These Pet Rules and Regulations are intended to supplement the Ordinances of Utah County governing pets and animals, or any other political subdivision having jurisdiction of the Community.

1. No pets or animals shall be kept or harbored in the Community, unless the Committee expressly permits the same, in each instance, in writing.
2. No dogs will be permitted in any of the public portions of the Community, unless carried or on a leash. When walking with a pet, it must be on a leash and under the control of a responsible person (defined as an adult 18 or older). The leash cannot extend longer than 6 feet.
3. The owner shall indemnify management, and hold harmless, against any loss or liability of any kind whatsoever arising from or growing out of having any pet or other animal in the Community. The Association may impose fines against the owner and/or ban any pet or other animal that does not meet these Pet Rules and Regulations in terms of number, type and purpose.
4. No more than two pets per household, approved by the Association, may be kept or maintained for any purpose.
5. All fecal matter shall be immediately cleaned up, as provided herein. Individual homeowner's property must be kept clear of pet feces, whether from your animal or not.
6. Owners are responsible for all damage caused by their pet.

7. Pets, for whatever reason, cannot make noise to the point where it disturbs neighbors.

8. Owners shall prevent pets or other animals, which they keep, from attacking persons, pets, other animals, or property. It is unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase, or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. The term "Worry" means to harass by tearing, biting or shaking with the teeth. Any owner whose pet or other animal participates in such attack will be strictly liable for violation of this provision. In addition to being subject to prosecution under the laws and ordinances of the Utah County, or other political subdivision having jurisdiction over the community, the owner of such dogs, shall also be liable for damages to any person injured or to the owner of any animal injured or destroyed thereby or to the owner of any property damaged or destroyed thereby. The Association may impose fines against the owner and/or ban any pet or other animal that participates in any such attack.

9. Owners shall not allow pets or other animals to pose a nuisance as defined in these Rules and Regulations and in the applicable law and ordinances governing the Community. In addition to any penalties set forth in the law and ordinances of Utah County, or other political subdivision having jurisdiction over the Community, any owner or owners having charge, care, custody or control of any pet or animal causing an nuisance shall be subject to the penalties provided herein. The following shall be deemed a nuisance:

Any animal which:

(a) Causes damages to the property of anyone other than its owner,

(b) Causes unreasonable fouling of the air by odors,

(c) Causes unsanitary conditions in enclosures or surroundings,

(d) Defecates on any public sidewalk, park or building, or on any private property unless the person owning, having a proprietary interest in, harboring or having defecation to a property trash receptacle,

(e) Barks, whines, howls or makes other disturbing noises in an excessive, continuous or untimely fashion,

(f) Molests passersby or chases passing vehicles,

(g) Attacks other domestic animals,

(h) Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of Chapter 10, Title 76, Utah Code Annotated (1953) or other applicable laws and ordinances.

Any animals, which by virtue of the number maintained, are offensive or dangerous to the public health, welfare or safety, as determined by the Association, are deemed to be a nuisance. The Association may impose fines against the owner and/or ban any pet or other animal that creates a nuisance as determined by the Association. Violation of these Pet Rules and Regulations or violation of the Utah County Ordinances, or the laws and ordinances of any other political subdivision having jurisdiction

under the Community, the unit owner shall be subject to fines as previously stated in the rules and regulations.