

# **Silver Springs Single Family Homeowner's Association**

## **Rules, Policies & Collection Procedures**

Updated & Adopted: January 3, 2017

In accordance with the provisions of the Declaration of Covenants, Conditions and Restrictions for Silver Springs Single Family, as amended and supplemented (the "Declaration"), the Board of Trustees of the Silver Springs Single Family Home Owner's Association (The "Association") unanimously adopted the following rules, policies and collection procedures ("Rules") during a regularly scheduled meeting of the Board of Trustees, at which a quorum was present, on January 3, 2017:

1. INTRODUCTION

- 1.1 The purpose of these Rules and the money collected through any Assessments is for (a) promoting the health, safety and welfare of the Owners; (b) the management, maintenance, care, preservation, operation, and protection of the Neighborhood; (c) enhancing the quality of life of the Owners in the Neighborhood; (d) enhancing and preserving the value of the Lots in the Neighborhood; and (e) in the furtherance of carrying out, or satisfying, any other rights, duties, or powers of the Association.
- 1.2 "Governing Documents" shall mean the Declaration, Bylaws, Architectural Committee Rules, these Rules, the Articles of Incorporation (as amended), applications for various uses, and any other policy, procedure, rule or resolution adopted by the Board of Trustees ("Board").
- 1.3 Capitalized terms in these Rules shall have the meaning ascribed to them in the Declaration. Terms not defined in the Declaration shall have the meaning defined herein.
- 1.4 These Rules are adopted by the Board pursuant to the Utah Community Association Act (the "Act") and the Governing Documents.
- 1.5 "Person" shall mean a natural individual, corporation, estate, partnership, trustee, association, joint venture, or any other legal entity with the legal capacity to hold title to real property.
- 1.6 These Rules apply to all Owners, Members, occupants, guests, mortgagees, purchasers at foreclosure sales, and any other Person who may enter the Subdivision, each of whom is personally responsible for any violation of the Governing Documents.
- 1.7 The Owner and any Future Owners of any Lot are jointly and severally liable for all Assessments accruing related to that Lot prior to and during the time that an Owner is an Owner. Owners are responsible for any violation of these Rules along with any Person occupying his or her Lot and with any guests of, or persons associated with, any Persons occupying his or her Lot.
- 1.8 All warnings, notices, fines or other communication from the Association to an Owner regarding these Rules shall be delivered by email communication, unless otherwise required by law or the Governing Documents. It is the

responsibility of each Owner to provide the Association or its manager with a working email address.

1.9 Conflicts. The Declaration, Bylaws, Architectural Rules and the Act shall govern in the event of any conflict with these Rules.

1.10 Website. The Association's official website is at:  
<http://www.silverspringshomeowners.com/> Please refer to our website for information, applications, and news.

## 2. ENFORCEMENT OF RULES AND TERMS OF GOVERNING DOCUMENTS

2.1 Each and every type of violation of each and every provision of the Governing Documents and the Act is hereby made specifically subject to and punishable by the specific fines provided for in these Rules.

2.2 Any violation or continuing violation of the Governing Documents may result in any one or more of the following actions, in any order or simultaneously, as deemed appropriate and reasonable by the Board or as otherwise required or allowed by the Governing Documents or the Act.

2.2.1 Warning;

2.2.2 Fine (pursuant to the schedule and requirements herein);

2.2.3 Legal action for damages, injunction, or other relief as allowed by law;

2.2.4 Take any other appropriate action including but not limited to, any action provided for in the Governing Documents or allowed by law.

2.3 If any two (or more) sections of the Governing Documents apply to the same incident or matter, any proscribed penalties, fees, fines, or remedies may be in addition to one another, according the reasonable determination of the Board.

2.4 Owners in violation of the Governing Documents will be assessed and must pay all reasonable legal fees, collection costs, lien fees, management fees, processing fees and all other costs incurred by the Association related to enforcing the provisions of the Governing Documents and collecting any amounts assessed.

### 2.5 Fines

2.5.1 The Declaration authorizes the Board to assess Owners fines for a violation of the Governing Documents. Any monetary charge imposed on or assessed to an Owner by the Association is an Assessment.

2.5.2 The fine for each and every violation of the governing Documents shall be in the specific amount that is provided for in this section 2.5.

- 2.5.2.1 First Violation. The Association shall give a written warning to the Owner (via email whenever possible) notifying the Owner of the violation and informing the Owner that a fine will be assessed if a second, similar fine occurs, or if the violation continues and is not cured after 48 hours.
- 2.5.2.2 Second Violation. Upon the second violation of the same type after a warning in any 12-month period, or a continuing violation uncorrected within 48 hours of a written warning, a fine of \$25 shall be assessed for any parking violation and a fine of \$50 shall be assessed for any other type of violation.
- 2.5.2.3 Third Violation. Upon the third violation of the same type after a warning or fine in any 12-month period, or a continuing uncorrected violation of at least ten days after the assessment of the first fine, a fine of \$100 shall be assessed for any type of violation.
- 2.5.2.4 Fourth and Subsequent Violations. Upon the fourth violation and each additional violation of the same type within a 12-month period, or each continuing violation of at least ten days after the assessment of the last fine, a fine of \$250 shall be assessed.

### 3. COLLECTION POLICY

- 3.1 All payments to the Association shall be applied to the earliest (meaning oldest) charges first. Owners shall have no right to direct the application of their payments or to require application of payments in any specific order, to specific charges, or in specific amounts.
- 3.2 Assessments not paid within the time required shall be delinquent.
- 3.3 The Association will attempt to collect delinquent assessments by sending written notice to the Owner (preferably by email) each month for three months.
- 3.4 If the delinquent assessment remains unpaid after the Association's collection attempts have been made, the Association may bring an action at law to recover the delinquent Assessment. Such action may be against the Owner personally obligated to pay, or by foreclosure of the Association's lien that exists on each Lot, or both. Any attorneys' fees and costs incurred in this effort shall be assessed against the delinquent Owner and the Owner's Lot, and will thereafter be added to the amount of the delinquency, along with court costs, reasonable attorneys' fees (plus interest and collection charges, if appropriate).

#### 4. GENERAL PROVISIONS

4.1 Harassing or Abusive Behavior. It shall be considered a Nuisance under the Declaration for any Owner, or their guests or invitees, to engage in any abusive or harassing behavior, either verbal, written, or physical, or any form of intimidation or aggression directed at any Board member, Committee member, or Manager, or such Manager's agents, employees, or vendors.

#### 4.2 Unsightly Items and Conditions.

4.2.1 Garbage and recycling containers may only be stored where they are not readily visible from the road, and they may only be at curbside 24 hours before or after pickup by the service provider.

4.2.2 Recreational equipment shall be stored in rear yards where such equipment is not readily visible from the public right-of-way. Examples of such equipment include skateboard ramps, swing sets, trampolines, baseball cages, ball return nets, goal nets, or similar. Basketball hoops may be placed in driveways, but shall be placed closer to the home on the Lot than the street.

4.2.3 No lumber, metal bulk materials, scrap or other building materials may be stored or allowed to accumulate on the Lot.

4.2.4 Grass, shrub or tree clippings shall not be allowed to accumulate on the property.

4.2.5 Landscaping must be maintained in an attractive and safe manner. Lawns may not exceed 6 inches in height, and weeds must be controlled.

4.2.6 Household items and equipment such as lawn mowers, leaf blowers, and snow blowers shall be stored out of sight.

4.2.7 Exterior surfaces of homes must be kept in a proper state of repair.

4.2.8 Driveways must be repaired if damaged or unsafe

4.2.9 Mailboxes must display the property address and must be kept structurally sound with a properly maintained surface.

4.2.10 Decorative objects, also known as yard art, that are larger than 12 inches require ARC approval.

4.2.11 No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

- 4.2.12 No signs are permitted on any Lot, except for signs indicating a Lot for sale.
- 4.2.13 No structure or building of a temporary character shall be placed upon the Neighborhood, or used therein, unless it is approved by the ARC.
- 4.2.14 No vehicle, boat or equipment shall be constructed, reconstructed or abandoned on the property.
- 4.3 Decorative or Holiday Lighting. Exterior decorative lighting guidelines and restrictions are detailed in the Association's Architectural Rules.
- 4.4 Parking.
  - 4.4.1 Pursuant to Summit County Ordinance No. 346, Section 3, there shall be no street parking between November 15<sup>th</sup> and April 15<sup>th</sup> of the following year. Parked vehicles on any public street that inhibit or hamper snow removal shall be considered a Nuisance, and are subject to towing, removal, or further action by Summit County.
  - 4.4.2 Commercial vehicles may not be parked or stored in the Neighborhood unless they are parked or stored completely out of sight within a garage.
  - 4.4.3 Recreational Vehicles may not be stored in the Neighborhood, unless they are stored completely out of sight within a garage. Recreational Vehicles includes, without limitation, boats, ski doos, trailers, motor homes, camper shells, campers, or similar vehicles used primarily for leisure activities such as vacations and camping. Recreational Vehicles may be parked in the driveway of a Lot temporarily for the purpose of actively loading, unloading, and/or cleaning.

## 5. REPORTING VIOLATIONS

- 5.1 Owners and Occupants may report violations of the Governing Documents to the Board or the manager so that the safety, security, and community environment is protected. The following information is requested when submitting a suspected violation:
  - 5.1.1 The name, address, and contact information of the Person reporting the violation. This information enables the Board or the manager to ask additional questions, if necessary, and will be kept confidential.
  - 5.1.2 The name of the Owner, address or Lot number of the Person alleged to have committed the violation, or any other reasonable method of identifying the Person or Lot.

- 5.1.3 A reasonably detailed description of the alleged violation, including date, time, time-stamped photo (if possible), and the rule that was allegedly violated.
  - 5.1.4 Please visit the Association's website at:  
<http://www.silverspringshomeowners.com/> for the most current information and electronic tools for submitting issues online.
- 5.2 Neither the Board nor the Manager is obligated to disclose either the person who gave notice of the violation or any information that may lead to the disclosure of that person.
- 5.3 The Board shall have sole and absolute discretion in determining whether information provided about a possible violation results in an enforcement action.
- 6. RIGHT TO APPEAL OR HEARING
  - 6.1 Owners are entitled to a hearing in accordance with the Declaration, as may be further described in the Architectural Rules.
  - 6.2 If a hearing is requested in writing, no interest or late fees shall accrue related to the violation until after the hearing has been conducted and a final decision has been rendered by the Association's Board.
- 7. PROCEDURE FOR AMENDING THE GOVERNING DOCUMENTS
  - 7.1 The Governing Documents of the Association are subject to change by the Members of the Association and its Board. The Association's Declaration and Bylaws may only be amended by following the amendment procedures defined in each Governing Document.
  - 7.2 The Association's Board may amend the Architectural Rules and these Rules by a majority vote of the Board. Proposed amendments to the Bylaws and Declaration must follow the procedures outlined therein. No change to the Architectural Rules, the Bylaws, or these Rules is valid if that change contradicts the Declaration.
  - 7.3 Any Person seeking to effect a change to the Governing Documents needs to demonstrate that the proposed change has substantial support of other Members as follows:
    - 7.3.1 The proposed change needs to be fully and completely described in writing, detailing the current rule, as well as the proposed change.
    - 7.3.2 A petition supporting the change must obtain the support of not less than a majority of the Members of the Association. At the time these Rules were adopted, 95 Members constitute a majority.

7.3.3 The petition must include each supporter's name, address or Lot number, email address, phone number, and signature.

7.3.4 The petition must be submitted to the Association's Board or Manager.

7.4 Upon receipt of a petition meeting the requirements herein, the Board shall act to verify the information on the petition and then call a Special Meeting of Members for the purpose of discussing and voting upon the proposed change.

## 8. REPLACEMENT OF PRIOR RULES DOCUMENTS

8.1 These Rules replace in their entirety all prior versions of the rules, including, but not limited to, the "Rules & Regulations: Fines And Enforcement" adopted on July 1, 2014, and the "032812 Fine Schedule Resolution" adopted in 2012.

8.2 These Rules are not intended to amend other Governing Documents of the Association.