

# **SOUTH HILLS POD 4 HOA**

## **Rules & Regulations**

Adopted June 24, 2022

In accordance with Article (XIII) section 13.3 of the CC&R's, the Association shall have the right to adopt rules and regulations with respect to all other aspects of the Association's rights, activities, and duties..." It is understood that such rules shall apply and be binding upon all Unit Owners, tenants, subtenants or other occupants of the Units. The Unit Owner is responsible for communicating the Rules & Regulations to occupants and guests and will be liable for fines incurred and damages caused by occupants and guests.

These Rules and Regulations have been adopted with the intent of clarifying, not replacing, certain points of the CC&R's. All owners should be familiar with both the Rules and Regulations and the CC&R's. This will help maintain the community as a first-class Association and provide residents with guidelines for living together as neighbors. As such, the Board of Trustees has unanimously adopted the following rules and regulations as of June 24, 2022.

Owners have the right to petition the community to change a regulation if he/she feels that a particular regulation no longer applies or is unduly restrictive of the majority.

Effective Rules and Regulations require the cooperation of all residents of the Association. The best approach to resolving a difference with a neighbor is to talk to your neighbor directly. However, should this not resolve the problem, an official complaint can be filed with the association manager. Each resident's cooperation and participation is encouraged. This is your Association and these are your rules. Let's work together to have a great community.

### **Rules & Regulations**

#### **Smoking & Drug Abuse**

1. Smoking is prohibited in any Common Areas. This includes the sidewalks, roads, and parks.
2. Alcohol or any other drug use is not allowed in any Common Areas.

#### **Parking and Storage**

1. No motor vehicle may be parked or stationed in such a manner so as to block access to any home, parking space, fire hydrant/lane, or sidewalk.
2. No articles, material, equipment, of any nature shall be stored on any street location within the Property. Licensed, regularly used passenger vehicles (i.e., visitor vehicles) may be parked on streets within the Property for brief periods of time (i.e., less than twenty-four (24) hours). Overnight parking of such vehicles should generally be restricted to the driveway of the dwelling being visited.
3. No street parking shall be allowed during snow storms from November 15<sup>th</sup> to March 30<sup>th</sup>.
4. No major mechanical work or repairs are to be conducted in streets or front yards.
5. No commercial-type box trucks or trucks larger than three-quarter ton shall be parked or stored on the front yard setback of any Lot or within the side yard buildings setback on the street side of a corner Lot, or on the residential street except while engaged in transportation.
6. Trailers, mobile homes, trucks over three-quarter ton capacity, boats, campers not on a truck bed, motor homes, buses, tractors, and maintenance or commercial equipment of any kind shall be parked or stored behind the front yard setback in an enclosed area screened from street view as approved by the Committee.
7. The storage or accumulation of junk, trash, manure, or other offensive or commercial materials is prohibited.
8. Driving unlicensed motor vehicles (including mini bikes, motorcycles, go-carts, and snowmobiles) is prohibited. All drivers of motorized vehicles must have a valid driver's license.

9. Driving within the Common Area parking at speeds in excess of fifteen (15) miles-per-hour (MPH) is prohibited.
10. Only currently registered operative vehicles may be parked in any visible areas.

Vehicles found in violation of any of the rules in this section are subject to fines as well as towing at the vehicle owner's expense.

The Association, Board, Members of the Board, and the Management Agent shall be indemnified and held harmless from any loss, damage, or claim caused by or arising out of the impounding, towing, or storing of a motor vehicle pursuant hereto.

### **Architectural Control**

1. The exterior portion of any window covering shall be approved by the Board of Trustees. Blankets, flags, silver reflective covering or coating, aluminum foil, sheets, cardboard, and/or newspapers are prohibited.
2. No landscaping, grading, excavation, building, fence, wall, residence, or other structure, or alteration of any kind, shall be commenced erected, maintained, improved, altered, or made until the construction plans have been approved in writing by the Committee.
3. Common property is for the enjoyment of all residents. Therefore, no Owner, lessee, or guest shall deface Common property in any way, including, but not limited to, digging, planting, plowing, building, or demolishing any such property.
4. Fencing and walls shall be constructed of materials consistent with the colors, textures, and materials approved for the dwelling and shall be integral to the architecture of the house and subject to the prior written approval of the Committee in its discretion.
5. Pools, spas, fountains, and game courts must be approved by the Committee and shall be located to avoid impacting adjacent properties with light or sound.
6. Skateboard areas and/or similar area ramps or similar structures shall be prohibited.

### **Association Dues**

1. Association Dues are due on the first day of each month and delinquent if not received by the Management Company on or before the 10th day of each month.
2. A late charge in the amount of twenty-five dollars (\$25.00) shall be assessed against any Owner who fails to meet the deadline of the 10th of the month for which the Owner is paying. Your dues payment must be **received** by this date. Please note: the late charge is not applicable to dues paid by automatic withdrawal that are withdrawn after the 10th of each month.
3. If an Owner's account continues to be delinquent, it may be sent to collections. All collection fees will be the responsibility of the owner.
4. If, after an account has gone to collections, an Owner's account continues to be delinquent, a lien may be placed on the Owner's Unit for the amount owing, plus any accrued fines, interest, attorney, and collection fees.

### **Maintenance**

Anything that incurs cost to the Association due to negligence on the Owner's or their tenant's part may be subject to fines.

### **Animals**

1. No animal, bird, fowl, poultry, or livestock of any kind shall be raised, bred, or kept on any Lot except pursuant to applicable Herriman City ordinance.
2. All dogs and cats must have current rabies vaccinations.
3. Pets may not be left unattended (i.e., the owner must be outside with them) in the front of your property, in unfenced yards, or Common Areas at any time during the day or night. Leashes and chains left on common property will be thrown away.
4. Dogs shall be on a leash at all times when outside a Unit. Residents finding an unleashed pet in the Common Area shall immediately contact Animal Control.

5. Pets may not be leashed, tethered, or secured in any Common Area.
6. The owner of a pet that has defecated on an area of a lot or common area, shall immediately remove the feces of his/her pet. Owners are responsible to clean up after their animals. Owners are also personally responsible for the cost to repair any damage caused by their pets to the Common Area.
7. Dogs, cats or other small household pets may not be kept, bred, or maintained for any commercial purpose.
8. Any pet which endangers the health or welfare of any Owner, resident, invitee, or guest is to be reported immediately to the city animal control officer. If it is determined by the city that the animal is vicious or a danger to the community it must be permanently removed from the South Hills Pod 4 HOA upon seven (7) days written notice.
9. No Owner shall harbor, keep, or retain any pet which howls, barks, whines, or makes other disturbing noises in an excessive, continuous, or untimely fashion day or night. Any pet creating a nuisance or an unreasonable disturbance or is not a common household pet, as determined by the city animal control officer, must be permanently removed from the South Hills Pod 4 HOA upon seven (7) days written notice.
10. All dogs over the age of four (4) months shall be licensed and the license tag shall be attached to the collar on the dog.
11. Animal bites must be reported to the Animal Control Officer with the City.

### **Signage**

1. No signs of any kind shall be displayed to public view on any Lot except one sign of not more than five square feet advertising the property for sale or rent.
2. Political signage must be removed within one (1) week following elections.
3. The American flag may be flown at all times in accordance with federal guidelines.

### **Trash Cans**

1. Trash cans must be brought in from the street by 10am the morning following pickup.
2. If there is a delay or issue with trash pickup, the cans must be brought in by 10am the morning after it does get picked up.
3. Trash cans shall not be stored in the front of the home or on the driveway.

### **Lawn & Weed Maintenance**

1. Yard must be maintained by the homeowner. Neglected yards shall be subject to fines.
2. Neglected yards are defined as, but not limited to:
  - a. Lawns overrun by weeds (50% coverage)
  - b. Dead or missing grass (Dry spots do not constitute dead grass)
  - c. Improvement should be shown over the course of a season to give time for efforts to come to fruition.

### **General Issues**

1. Exterior holiday decorations may not be left on display for more than thirty (30) calendar days from the date of the holiday and should not be installed more than 45 days prior to the holiday.

### **Nuisance**

1. Unclean, unhealthy, unsightly or unkempt conditions in, on or about the lots or the Common Area is prohibited.
2. The storage of any item, property or thing that will cause the lot or Common Area to appear to be unclean or untidy or that will be noxious to the senses is prohibited.
3. 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 is prohibited.
4. Excessive noise that interferes with another owners right of quiet enjoyment, especially after 10:00 P.M. and before 7:00 A.M. is prohibited.

5. No commercial trade or business may be conducted in or from any lot unless the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside of the home.
6. Members of the association and other residents shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other members, residents, guests, occupants, invitees, or directed at management, its agents, its employees, or vendors.

**SOUTH HILLS POD 4  
FINE RESOLUTION**

This resolution is made this on the date set forth below by the Management Committee for the **SOUTH HILLS POD 4**, a Utah non-profit corporation.

RECITALS

A. Certain real property in Salt Lake County, Utah, known as **SOUTH HILLS POD 4**, was subjected to certain covenants, conditions, and restrictions pursuant to a Declaration of Condominium (the “Declaration”);

B. Pursuant to Utah Code Ann. § 57-8A-208, the Association is authorized to levy fines as a means of enforcing the provisions of the Declaration, rules and regulations, and Bylaws of the Association;

C. The Management Committee desires to set forth a schedule of fines, procedures for fining, and procedures for hearings to ensure that the fining process complies with Utah law and is fair to all parties involved;

D. This Resolution was properly adopted by the necessary vote of the Management Committee in compliance with the provisions of the Bylaws of **SOUTH HILLS POD 4**

NOW BE IT RESOLVED:

1. That the following schedule of fines be adopted:

a. List of Violations: Any violation of the Declaration, rules and regulations, and Bylaws shall be subject to a fine.

b. Schedule of Fines:

- (i) 1<sup>st</sup> violation: WRITTEN WARNING;
- (ii) 2<sup>nd</sup> violation or failure to cure after 1<sup>st</sup> violation: \$50.00;
- (iii) 3<sup>rd</sup> violation or failure to cure after 2<sup>nd</sup> violation: \$100.00;
- (iv) 4<sup>th</sup> violation or failure to cure after 3<sup>rd</sup> violation: \$200.00;

Enforcement remedies are cumulative; accordingly, the Management Committee reserves its right to pursue any enforcement action authorized by law of the Declaration at any time during the fining process.

2. That all following procedures will be followed prior to levying a fine:

a. Notice of Violation: All owners will be given a written notice of violation describing the violation and stating a time to cure the violation prior to a fine being levied.

b. Time to Cure: All owners will be given a minimum of forty-eight (48) hours to cure a violation before a fine will be levied. The Committee in its discretion may grant a cure period exceeding forty-eight (48) hours if the Committee determines that forty-eight (48) hours is an unreasonable time period to cure the violation in question.

c. Hearing: If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Management Committee to protest or dispute the fine. A request for hearing must be made in writing within thirty (30) days from the date the fine is levied. Notice shall be deemed to have been received three (3) days after mailing via USPS first-class mail, postage prepaid. If a request for hearing is not received by

the Management Committee, or their designated agent, within thirty-three (33) days from the date the fine is levied, the fine shall be deemed to be uncontested and the Owner forfeits their right to hearing. A request for hearing shall be delivered to Welch Randall Real Estate- 5300 Adams Ave Pkwy #8, Odgen, Utah 84405. The hearing shall be conducted in accordance with the procedures adopted by the Management Committee. An Owner may also contest the fine by initiating a civil action within one hundred eighty (180) days after the expiration of the thirty (30) day period.

d. Collection of Fines: Pursuant to Utah Code Ann. § 57-8A-208, fines shall be collected in the same manner as past due assessments. However, interest and late fees shall not accrue on fines until one hundred eighty (180) days after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

3. That the following procedures shall govern an informal hearing of the Management Committee:

a. Scheduling a Hearing/Continuances/Failure to Appear: The hearing shall, within reason, be conducted at the next regularly scheduled Committee meeting. The Committee shall give notice of the date, time, and location of the hearing to the requesting Owner. Notice of the hearing shall be delivered to the requesting Owner by USPS first-class mail, postage prepaid, Email, or by hand delivery. No other Owners or parties shall be entitled to notice of the hearing. If the hearing date is unacceptable to the requesting Owner, they shall be entitled to one (1) continuance of the hearing date. To receive a continuance, the requesting Owner shall deliver a written request for continuance to the Association. The request must be received by the Association prior to the original hearing date. The continued hearing shall, within reason, take place at the second Committee meeting after the receipt of the original request for hearing. Failure by a requesting Owner to appear at a hearing or continued hearing shall result in a waiver of the requesting Owner's right to hearing and the fine shall be deemed uncontested.

b. Hearing Procedures/Decision: The hearing shall be conducted by a minimum of three (3) Committee members. The requesting Owner shall be given fifteen (15) minutes to dispute the fine. The requesting Owner may present documentation or witnesses to dispute the fine. The Committee may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Committee may either render its decision at the hearing or take the evidence and argument under advisement. If the Committee takes the evidence under advisement, they shall render a final decision within seven (7) days of the hearing. Once a decision is rendered, the Committee shall give written notice of their decision to the requesting owner. As part of the decision, the Committee shall state that payment of the fine is due within one hundred eighty (180) days or interest and late fees will accrue. Decisions of the Committee may be appealed by filing a civil action within one hundred eight (180) days.