

Greenerhills Homeowners Association
Rules and Regulations
Schedule of Violations and Fines & Procedure for Hearings

The Rules and Regulations are part of the Governing Documents, although they are not required to be recorded with the Wasatch County Recorder's Office. These rules shall act as guidelines and the Board of Directors retains the authority to amend these rules, extend time limits, modify requirements and mitigate the amount of fines pertaining to the rules based upon unusual circumstances or hardships. All Lot Owners shall be given the opportunity to comment regarding proposed changes to the Rules and Regulations before the vote by the Board of Directors and in compliance with Utah Community Association Act, Utah Code Title 57, Chapter 8a, as may be amended from time to time. At the time these Rules and Regulations are being amended, January 2023, the Act provides for fifteen (15) days' notice of the Board's intent to amend the Rules and Regulations.

The purpose of this document is to further clarify and supplement the contents contained within the Declaration and address other issues as may be needed from time to time. The Board may adopt, amend or repeal these rules with proper notification. Any major change shall be addressed with an amendment to the CC&Rs, which requires a vote of the membership. The final section of this document establishes a schedule of fines for violating any of the Governing Documents, and the procedure for conducting hearings and enforcement options.

Section I: Permitted and Prohibited Uses
(Reference Article IV of the CC&Rs)

1. **Animal Waste.** Lot Owners shall not allow an accumulation of animal waste upon their property. If the Owner's animal deposits waste anywhere other than their own Lot, the Owner shall promptly clean it up. If waste is deposited upon the private streets within Greenerhills, the Owner shall be responsible for removing the waste and cleaning the pavement.
2. **Animal Food Storage.** Storage of animal feed shall be located in an indoor facility to help deter the feeding of wildlife and preserve the aesthetics of the neighborhood.
3. **Signs.** A sign may not rise more than five (5) feet above ground surface or be within ten (10) feet from a property lines. No sign may be more than 2 feet by 3 feet in size. No sign may be placed within the right-of-way for private streets.
Builder/Construction Sign - Only one (1) sign is allowed upon a Lot during construction and must be removed within 48 hours after initial occupancy of the residence.
Political Signs - Up to three (3) political signs may be posted upon a Lot of an occupied residence. Signs may be posted within 45 days of the election (Wasatch Code 16.26.08) and must be removed within 48 hours following the election.
Real Estate Sign - Only one (1) Real Estate Sign will be allowed per Lot, the sign must be removed within 48 hours after the completion of the sale.

4. **Street Parking.** All streets in Greenerhills are privately owned and maintained. If hosting a party or event with inadequate parking for all guest vehicles upon the Owner's Lot, vehicles may be parked along the side of the roadway between the hours of 7 a.m. until midnight, provided there is sufficient passage for other roadway traffic including emergency vehicles. No overnight parking is allowed. No street parking is allowed during any hours that might disrupt snow plow operations.
5. **Snow Removal.** The Association shall be responsible for removal of snow from the streets within the subdivision. Each Owner shall be responsible for removal of snow from their driveway and other walkways upon their own Lot. Dumping and/or plowing onto neighboring properties is not permitted.
6. **Vehicle Parking and Storage.** See the CC&Rs.
7. **Roadway Limitations.** The speed limit within Greenerhills is 25 MPH for all roadways. Use of any off road vehicles can only be driven following the rules of the road by a licensed operator and extreme caution should be exercised due to the fragile natural environment and the hazard of brush fires.
8. **Private Property.** If Owners have complaints about trespass on their property, the proper body to address those complaints is the Sheriff's Department, not the Board or Property Management.
9. **Items for Sale.** No outdoor locations within Greenerhills shall be used for the selling of any personal property (surplus furniture, clothing, produce, crafts, etc.). This includes conducting garage sales, yard sales, rummage sales, or any similar function. Homeowners will be responsible for any visitor they allow through the gates.
10. **Wildfire Safety Measures.** Firewood should be cut and neatly stacked in a pile away from residences. The pile should not measure more than 5 ft. tall, 4 ft. long and 3 ft. wide, which is a maximum of five cords of wood. Aside from firewood, accumulation of landscape waste and other combustible material shall not be allowed to remain upon any property for a period of more than seven (7) days. No trash, rubbish, garbage, waste, yard trimmings or any other debris shall be burned upon any Lot, at any time, for any reason. Firepits and barbecues are not allowed upon any unimproved Lot. Firepits must be approved by the ARC. Any device which has a flame must have a fire suppression feature, such as a lid or spark arresters. All types of Fireworks are prohibited.
11. **Noise Control.** Owners should be respectful of neighbors and maintain control of their children, guests and other visitors to keep sound levels at a minimum, being mindful quite hours between 10 p.m. - 7 a.m.

12. **Outdoor Decorations.** Seasonal lighting and decorations for Holidays is limited from October 1 through January 31. Lighting which rotates, flashes or otherwise simulates motion is not acceptable. Inflatable objects, balloons and other items which extend more than 25 feet above ground surface are prohibited. At the end of the allowable period of time, all decorations shall be removed, including lighting affixed to buildings. Decorations pertaining to other holidays or events throughout the year shall have a one month time limit for displays.

13. **Entrance Gates.** See the Policy for Gate Codes and Remotes. Owners receive two remotes initially, or those two remotes are transferred from prior Owners. Owners may purchase only up to four (4) additional remotes. New Owners must inform Property Management that they have purchased a property so that the prior Owners' gate codes can be deleted from the system. New gate codes (no more than two per Lot) will then be assigned by Property Management. Owners should provide their personal codes only to residents or close relatives. Their second code can be used, with discretion, for others who visit the property frequently. Construction codes will be issued by Property Management and ONLY those codes should be given to builders and contractors.

Section II: Architectural Control & Building Requirements and Maintenance (Reference Articles V & VI of the CC&Rs)

1. **Time Frame.** Lot Owners are to commence construction within one year of design approval from the ARC. If the Owner fails to begin construction within this time period, a follow up review will be required.
2. **Building Plans Sold with Lot.** If approved plans are sold in conjunction with the sale of a Lot, the new owner will be required to submit a new building application form, along with all the other form requirements.
3. **Vacant Lot Storage.** No materials of any type may be stored upon a vacant Lot. Materials can begin to be delivered to a Lot only after receiving building plan approval from the ARC.
4. **Construction Parking.** Construction crews are to park at the job site and not park on the street. However, during busy construction periods involving multiple trades when vehicles cannot all be accommodated on the job site, they may temporarily park along the side of the roadway as long as they don't impede normal traffic, and are not to be parked on a curve in the road that impedes the line of sight of traffic approaching from either direction. Adequate passage for emergency vehicles shall be maintained at all times. At no time shall construction crews park on or in front of neighboring properties, and under no circumstances shall vehicles of construction crews park on the roadway during any hours that might disrupt snow plot operations.
5. **Hours for Construction.** Construction working hours are limited to Monday through Friday between the hours of 7 a.m. - 7 p.m. , and Saturdays from 7 a.m. - 5 p.m.
6. **Sanitary Facilities.** Each job site shall have adequate sanitary facilities for construction workers. They must be located upon the job site in a discreet location, not along the street or within 50 feet of neighboring Lots or in drainage areas.

7. **Trash Disposal.** Trash and debris should be monitored daily to keep the construction site neat and prevent debris from blowing into neighboring properties. Trash receptacles and garbage dumpsters are to be emptied on a regular basis during construction. Dumping, burying and/or burning trash or disposal of paint residue within the community is prohibited.

8. **Vegetation Protection.** Retention or incorporation of natural foliage and vegetation (Gambel oak, sage, etc.) is encouraged. Construction fencing and use of waddles may be required for soil erosion abatement. All disturbed areas are to be re-vegetated and require submission of the Landscape Application form and written approval from the ARC. Basic landscaping shall be substantially completed within one year of occupancy.

9. **Exterior Lighting.** Light fixtures should be designed to minimize impacts on adjacent properties, therefore, dark sky lighting fixtures are recommended.

10. **Unauthorized Improvements.** Written approval is required from the ARC before construction or installation of any improvement upon an Owner's Lot. This shall include any type of Building, Retaining Walls, Fencing, Swimming Pools, Permanently installed Recreational Devices (Trampolines, Swing-Sets, etc.) or similar improvement that is visible upon the Lot. Any Owner who installs, or allows to be installed an unauthorized improvement shall be subject to the procedure for violations and fines.

11. **Maintenance of Property.** Lots within the community shall be maintained to provide a neat and orderly appearance at all times. Loose or missing building components, peeling or faded paint, rusted or corroded metal, accumulations of bird droppings or dirt, and similar unsightly conditions are not acceptable. Tools and equipment, toys and recreational devices (such as bicycles) or any similar items shall be picked up and stored inside an appropriate structure, no later than 10 p.m. daily.

Section III: Violations, Fines and Hearing

All Complaints by Owners of violations of any of the Greenerhills governing documents shall be provided in writing to Property Management and accompanied by photographs of the violations, if obtaining photographs is possible and appropriate. The Board of Directors and/or the Architectural Review Committee, as appropriate, will only consider Complaints that are submitted in writing to Property Management. The schedule and procedure for Violations and Fines for the Greenerhills Homeowners Association shall be followed as written within this section. Any violation of the Declaration (CC&Rs), Rules and Regulations, and the Bylaws shall be subject to a fine.

Schedule of Fines:

- ◆ 1st Violation: \$0.00
- ◆ 2nd Violation or failure to cure after 1st Violation: \$100.00
- ◆ 3rd Violation or failure to cure after 2nd Violation: \$200.00
- ◆ 4th Violation and all subsequent violations or failure to cure after 3rd violation or subsequent violations: \$500.00 per month additional fines or legal action.
- ◆ In the case of rental of property that is not allowed by the Greenerhills governing documents, the preceding schedule of fines is replaced with fines that add the total payment the Owner receives for the rental in addition to the preceding schedule.

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

The following procedures will be followed prior to levying a fine:

1. **Notice of Violation.** 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.

2. **Notice regarding Unauthorized Improvement.** If the improvement is under construction, the Owner shall immediately cease any further construction of the improvement. Within forty-eight (48) hours of receiving such written notification, the Owner shall either completely remove the improvement or present the ARC a plan for review pursuant to the Declaration and Bylaws of the Association. If the Owner fails to remove the improvement or submit a plan for review within 48 hours, the Owner shall be fined thereafter until the improvement is completely removed, without any further written notice. If the Owner submits a plan within the time frame, the ARC shall issue a decision on the plan after review. The ARC may take any action, including, but not limited to, ordering the complete or partial removal of the structure, approving the plan and the construction in whole or in part, imposing conditions on the Owner's ability to leave the improvement in place, or otherwise directing the Owner to alter the plan and/or the improvement, or any combination of the above, or other order deemed appropriate. If the ARC orders partial or complete removal of the improvement, the ARC may also impose a fine. Fines shall commence and accrue beginning forty-eight (48) hours after the date on which the ARC orders that the removal shall be accomplished, and which shall continue to accrue until compliance with the order is achieved.

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

4. **Hearing.** If a fine is levied, the offending Owner shall have the right to request an informal hearing with the Board of Directors to protest or dispute the fine. A request for hearing must be made in writing within fourteen (14) 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 Board of Directors, or their designated agent, within seventeen (17) 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 sent and delivered to the current Property Management Company. The hearing shall be conducted in accordance with the procedures adopted by the Board of Directors.

5. **Collection of Fines.** Fines shall be collected as authorized by the Declaration and law. However, interest and late fees shall not accrue on fines until after the time for hearing has passed, or, if a hearing is conducted, after a final decision has been rendered.

These are the procedures to request a hearing by the Board of Directors:

1. **Scheduling a Hearing/Continuances/Failure to Appear.** The hearing shall be conducted within 30 days. The Board 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, by hand delivery, or by electronic means. 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 take place at the next regularly scheduled Board meeting or within 30 days of the original hearing date. 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.

2. **Hearing Procedures/Decision.** The hearing shall be conducted by a minimum of three (3) Board 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 Board may question the requesting Owner or witnesses during the hearing. After hearing the requesting Owner's position and evidence, the Board may either render its decision at the hearing or take the evidence and argument under advisement. If the Board takes the evidence under advisement, they shall render a final decision within seven (7) days of the hearing. Once a decision is rendered, the Board shall give written notice of their decision to the requesting owner. As part of the decision, the Board shall state that payment of the fine is due within fourteen (14) days or interest and late fees will accrue. All decisions of the Board are final.

Exceptions. The Board of Directors of the Greenerhills Homeowners Association retains the authority to extend time limits, modify requirements and mitigate the amount of fines pertaining to the above-described rules based upon unusual circumstances or hardships.

Responsibility of Each Lot Owner. If the legal owner of a subdivided Lot in the Greenerhills Subdivision is a limited liability company, family partnership, corporation or another entity other than an individual, then the term "Lot Owner" shall be interpreted to mean the managing member of a limited liability company, or, the general manager or president of a corporation or the individual who is responsible for the day-to-day activities of the ownership entity. Each Lot Owner shall bear individual responsibility for any violation of the above described rules by the Lot Owner's minor children, other family members, dependents, guests, invitees, lessees, contractors and agents.

Cost of Enforcement. If it is necessary for the Greenerhills Homeowners Association to engage the services of an attorney and pursue an action through the courts to enforce any of the above described rules or coAmendments. The Board of Directors of the Greenerhills Homeowners Association retains the authority to amend the terms of these rules as experience and circumstances may warrant. The Board shall publish and distribute to all Lot Owners in Greenerhills a copy of any proposed amendments to these rules and shall allow all Lot Owners a period of not less than 30 days in which to comment to the Board about such proposed amendments. After this comment period, the Board shall adopt the amended rules and post the revised document upon the Community website. If any fine, then the offending Lot Owner shall also be responsible for paying the costs of engaging such attorneys, expert witnesses, court fees and other expenditures related to the enforcement action.

Amendments. The Board of Directors of the Greenerhills Homeowners Association retains the authority to amend the terms of these rules as experience and circumstances may warrant. The Board shall publish and distribute to all Lot Owners in Greenerhills a copy of any proposed amendments to these rules and shall allow all Lot Owners a period of not less than 30 days in which to comment to the Board about such proposed amendments. After this comment period, the Board shall adopt the amended rules and post the revised document upon the Community website.

Amendments. The Board of Directors of the Greenerhills Homeowners Association retains the authority to amend the terms of these rules as experience and circumstances may warrant. In accordance with the Community Association Act, 57-8a-217, the Board of Directors of the Greenerhills Homeowners Association shall provide notice of its intention to amend the Rules and Regulations at least fifteen (15) days prior to a vote of the Board on the amendment(s). Lot Owners shall be allowed the opportunity to comment to the Board about the proposed amendment(s), after which the Board may vote to approve the amendment(s). If the Board votes to approve the amendment(s), the revised document shall be posted on the Community website.