

COMMUNITY RULES
FOR
BRIER RIDGE HOMEOWNERS ASSOCIATION

WHEREAS, as it is the desire of the unit owners and the Board of Directors of Brier Ridge to live in a community that is orderly, peaceful and desirable, the Board hereby sees fit to enact Community Rules that will allow for the comfortable enjoyment of all the residents of Brier Ridge; and

WHEREAS, the Board is authorized pursuant to the provisions of the Brier Ridge Bylaws to adopt and enforce rules to govern the affairs and operation of Brier Ridge; and

THEREFORE, in the interest of the health, safety and welfare of all residents at Brier Ridge, it is the intent of Brier Ridge Board to assess a fine against those unit owners or residents who fail to abide by Brier Ridge Community Rules. The Board hereby enacts these Community Rules as authorized by the Utah Community Association Act, U.C.A. § 57-8a-208 and by the Declaration and the amendments thereto.

COMMUNITY RULES PROVIDING THAT VIOLATORS WILL BE FINED

1.1 **AUTHORIZATION.** The Board is authorized to assess a fine against unit owners who violate provisions in the Association declaration, the bylaws, or the rules and regulations. The assessment of a fine shall be in accordance with the provisions of Utah Code Annotated, § 57-8a-208, the provisions of these amended bylaws, and the rules and regulations adopted by the Board.

1.2 **WRITTEN NOTICE OF VIOLATION.** Before assessing a fine, the Board must give a written notice of the violation to the unit owner of the violation and inform the unit owner that a fine will be imposed if the violation is not cured within the time provided in the written notice.

- (A) The written notice shall contain a description or brief summary of the provision, bylaw, rule or regulation that has been violated and a description of the manner in which the bylaw, rule or regulation has been violated.
- (B) If a violation is temporarily cured or stopped, but is repeated by the same unit owner within 120 days of the date a written notice of violation is first served on the unit owner, the Board shall not be required to serve another notice of violation upon the unit owner but may rely upon the notice provided in the first written notice.

1.3 **TIME TO CURE.** In all instances, the violation must be cured within 48 hours of the written notice being delivered to the unit owner or the unit owner's agent, unless such time period is extended by the Board for good cause. The member of the Board or their agent that serves the written Notice of Violation on the unit owner shall write on the Notice of Violation the date and time the Notice of Violation was served on the unit owner and the date and time by which the violation must be cured. If a unit owner repeats the violation more than 48 hours after receiving the written Notice of Violation but less than 120 days after receiving the notice, the unit owner shall be deemed to have not timely cured the violation.

1.4 **FINE** If the violation is fully and completely cured within the time provided in the written Notice of Violation, and is not repeated within 120 days of the time the written notice is first

served on the unit owner, no fine may be assessed by the Board. If the violation is not fully cured within the time provided, the Board shall, after confirming that the violation complained of has not been fully cured, impose a fine as provided in the bylaws, or the rules and regulations. If the same violation is repeated more than 48 hours but less than 120 days after the written Notice of Violation is first given, the Board shall impose a fine as provided in the bylaws, or the rules and regulations. The unit owner shall receive a written Notice of Fine from the Board informing the unit owner of the amount of the fine imposed.

1.5 MANNER OF PROVIDING NOTICE OF VIOLATION AND FINE. The notice of a violation of a bylaw or the rules and regulations of the Association and the notice of a fine imposed by the Board may be provided to the unit owner in any one or more of the following ways:

- (A) Delivering a copy to the unit owner personally; or
- (B) Sending a copy through certified or registered mail, addressed to the unit owner at his or her place of residence, in which case an additional 48 hours shall be allowed to cure the violation; or
- (C) Doing both of the following:
 - 1) Leaving a copy with a person of suitable age and discretion at the unit owners unit; and
 - 2) Mailing a copy to the unit owner at the unit owners unit, or to the unit owners regular mailing address if the unit owner does not reside in the unit; or
- (D) Affixing a copy in a conspicuous place on the unit since a person of suitable age or discretion could not be found; or
- (E) If the person committing the violation is a tenant or guest of the unit owner, by:
 - (1) personally delivering a copy to the tenant living in the unit or affixing a copy in a conspicuous place on the unit if a person of suitable age or discretion could not be found, and by
 - (2) mailing a copy to the unit owner at the address provided by the unit owner to the Association.

1.6 NON UNIT OWNER OCCUPIED UNITS. If cases where the unit is not occupied by a unit owner and the violation of the bylaw or rules and regulations is committed by a resident or tenant of the unit, the unit owner shall be responsible for the failure of the resident or tenant to cure the violation of the bylaws or rules and regulations and the unit owner shall be subject to the fine imposed as the result of the violation. For purposes of the lease between the unit owner and the resident of the unit, the provisions of these amended community rules shall be incorporated by reference into the terms of the lease and the unit owner may collect from the resident of his or her unit any fines the unit owner becomes obligated to pay by virtue of the resident's actions. The unit owner shall be responsible for bringing a separate action to collect any such fines from the unit owner's tenant.

1.7 BOARD ACTION. Any action by the Board involving a Notice of Violation or a Notice of Fine may be taken by any officer or member of the Board if so authorized or ratified by a

quorum of the Board. A quorum shall consist of 50% or more of the Board present at a meeting either in person or by telephone conference, or if not present at a meeting, members consenting to the action after conferring with other members of the Board.

1.8 VIOLATIONS FOR WHICH A FINE MAY BE ASSESSED. A fine may be assessed for the violation of a provision in the declaration, the bylaws, or the rules or regulations, or for a rule listed on Exhibit "A", which is attached and incorporated by this reference. The list of violations of bylaws, rules or regulations listed on Exhibit "A" may be modified by the Board pursuant to their power to enact rules governing conduct within a project as contained in the Community Association Act, Utah Code Ann. 57-8a-101 through 57-8a-211. Only those violations listed on Exhibit "A" and those violations of rules adopted by the Board are the offenses which are subject to a fine. Exhibit "A" is a summary of some of the rules and may be used to incorporate provisions in the declaration, bylaws, or rules and regulations for which a violation may be assessed.

1.9 CONTINUOUS VIOLATIONS. Each day (24 hour period) during which a violation of the declaration, the bylaws or the rules and regulations of the Association, or the rules listed on Exhibit "A", continues, after the time period expires during which the unit owner is required to cure the violation, constitutes a separate violation and is subject to a fine in the amount listed in Exhibit "A". The violation of a provision in the declaration, the bylaws, a rule or regulation, or of a rule listed on Exhibit "A", which is temporarily cured within the time period required in the Notice of Violation, but which is violated again within 120 days of the date the original Notice of Violation was served, is deemed to be a continuous violation for which another Notice of Violation is not required to be served.

2.0 AMOUNT OF FINES. The amount of a fine for a violation of a provision in the declaration, the bylaws, the rules and regulations, or the rules listed on Exhibit "A", shall be in the amount listed on Exhibit "A", but in no case shall a fine exceed \$500.00. A cumulative fine, which is a fine for a violation that is not timely cured or a fine that is repeatedly assessed due to repeated violations for which a Notice of Violation has previously been served, may not exceed \$500.00 per month.

2.1 LATE FEES. Fines not paid within 10 days of the first of each month shall be assessed a late fee of \$20.00. If the fee has not been received by the first of the next month an additional fee of \$25.00 shall be added. Late fees shall be waived only by a vote of the Board of Directors.

2.2 PROTESTING THE FINE. A unit owner who is assessed a fine may request an informal hearing with the Board to protest or dispute the fine within 30 days from the date the fine is assessed (which is the date written on the notice of fine). The unit owner protesting the fine shall request the informal hearing by delivering a written request to any member of the Board stating the grounds for the protest or dispute and setting forth in detail the following:

- (A) the grounds for the protest, including any unusual circumstances justifying a reduction in the standard fine;
- (B) the facts relied upon by the protesting unit owner with respect to the violation or non-violation of the bylaws, rules or regulations;

- (C) the amount of the fine the unit owner claims should be paid and the reasons supporting that claim; and
- (D) any errors made by the Board in calculating, assessing, or collecting the fine.

2.3 **INFORMAL HEARING.** Within 14 days of receiving the written request for hearing, the Board shall schedule an informal hearing at which time the requesting unit owner will be given an opportunity to present evidence and witnesses supporting the unit owner's position. At least 50% of the Board shall be present at the hearing. No formal rules of evidence will be required, and the Board may receive the evidence submitted by the requesting unit owner and determine the probative value of such evidence. If it chooses and if it would be of benefit to the requesting unit owner, the Board may also produce evidence supporting its decision to fine the unit owner. However, the intent of the hearing is to listen to the unit owner's explanations and to receive information from the unit owner, and not to have a trial. The Board may terminate the hearing at any time if any individual present becomes unruly, inconsiderate or rude.

2.4 **DECISION OF THE BOARD.** The Board, after the requesting unit owner has had the opportunity at the hearing to present the evidence and information desired, may either:

- (A) leave the amount of the fine as originally assessed;
- (B) reduce the fine to an amount agreed upon by a majority of the Board present at the hearing;
- (C) reduce the fine to an amount agreed to by the offending unit owner with the agreement that the offending unit owner will pay the fine within 10 days and not appeal the fine in district court;
- (D) suspend all or a portion of the fine conditioned on the unit owner not repeating the violation for 180 days; or
- (E) forgive the fine for good cause shown.

The Board shall render a written decision no later than ten (10) days after the date of the hearing.

2.5 **APPEALS.** A unit owner may appeal a fine by initiating a civil action in district court within 180 days after:

- (A) a hearing has been held and a final decision has been rendered by the Board, or
- (B) the time to request an informal hearing has expired without the unit owner making such a request.

2.6 **LIEN.** A fine assessed against a unit owner which remains unpaid after the time for appeal has expired becomes a lien against the unit owner's interest in the property in accordance with the same standards as a lien for the nonpayment of common expenses under U.C.A. § 57-8a-201 & 202.

2.7 PROMULGATION OF ADDITIONAL RULES AND FINES. The Board is authorized to adopt and to amend the administrative or community rules and regulations as may be necessary or desirable to insure the Association is maintained and used in a manner consistent with the interest of unit owners, to protect and enhance the quality of life in the complex, to protect the property values of the units, to ensure a quality and enjoyable lifestyle, and to respect the rights and privileges of all residents to be free from the annoyance, disturbance and nuisance of others. The method by which the Board may adopt new Association rules shall be as follows;

- (A) New rules shall be adopted at a regular or special meeting of the Board. The rule shall be in writing and voted on and approved by a majority of the members of the Board. If the violation of the new rule shall have a fine associated with it, the amount of the fine shall be stated in the rule.
- (B) Prior to the new rule becoming enforceable, the Board shall cause to be delivered, personally or by regular U.S. mail, a copy of the new rule to each unit owner. If a unit owner is not living in his unit, the Board shall cause to be mailed to the unit owner's last know address and to be posted on the door of the unit owner, a copy of the new rule. The new rule shall become enforceable five (5) days from the day it is mailed to each unit owner or posted on the door of an absentee unit owner.
- (C) Rules adopted in this manner shall deal only with the health, safety or welfare of Association residents or Association property. Rules adopted by the Board may also be used to clarify provisions in the declaration, bylaws, or Association rules and regulations, or to change the amount of a fine associated with the violation of the rule.
- (D) Rules adopted by the Board shall have the same force and effect as rules contained in the declaration, the bylaws, or other administrative rules and regulations adopted by the Association, including the power to collect fines from those who violate these rules.

2.8 SEVERABILITY. If any phrase contained in these Community Rules or provision of these Community Rules, or any paragraph, sentence, clause, phrase, or word, or the application thereof, in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the Community Rules, or the phrase or paragraph in which it is contained, and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

EFFECTIVE DATE

These amended Community Rules shall take effect five (5) days after they have been distributed to the unit owners and residents of Brier Ridge.

[Signatures and Certification on Following Page]

CERTIFICATION

It is hereby certified that the Board of Brier Ridge at a duly called and constituted meeting of the Board approved and adopted the Community Rules stated herein.

This 5th day of December, 2014.

Brier Ridge Board

BY: Andrew Pether
President

EXHIBIT A

AMOUNT OF FINE*

1ST Offense	2ND Offense within 120 days	3RD or more Offense within 120 days	<h1 style="margin: 0;">RULE</h1> <p style="margin: 0;">The activities listed below are prohibited</p>
\$50	\$75	\$100	<ul style="list-style-type: none"> • parking in front of any garage • parking in restricted areas such as fire lanes • parking in areas other than marked parking stalls • parking in another's reserved parking stall • parking in visitor parking by anyone living within the Association • allowing the visitor of a unit to park in visitor parking for more than 72 hours in any one week period • parking in areas marked with "no parking" signs • parking in areas not permitted on the parking map • violation of any parking rule contained in the declaration, bylaws, or rules • parking recreational vehicles or boats on common property • parking more cars than the number permitted on property • parking unregistered or inoperable vehicles in the common area for more than 15 days • parking anywhere within the Association besides in a garage or parking stall <p>* Some of these violation may also result in your car being towed</p>
\$35	\$70	\$100	<ul style="list-style-type: none"> • driving faster than 10 mph • driving faster than conditions safely permit
\$25	\$50	\$100	<ul style="list-style-type: none"> • performing maintenance or mechanical work on vehicles (including motorcycles & ATVs) in the common area
\$35	\$70	\$100	<ul style="list-style-type: none"> • leaving trash, garbage, or clutter on the unit's patio, deck or doorstep, or otherwise maintaining the patio, deck or doorstep in an unsightly, unclean, or unsanitary condition • failing to remove a garbage can from the road by 9:00 p.m. on the day the garbage is collected

\$50	\$100	\$150	<ul style="list-style-type: none"> • misuse or damage to the common area by attaching satellite dishes, awnings, signs, lights, or any other item to the common area, without the written permission of the Board • causing damage to the common area (lawn, roof, gutters, plumbing, parking area, sidewalk, carport, sprinkler system, flowers or shrubs) • the installation of ventilators, fans or air-conditioning devices or any other similar items which is visible on the exterior without written approval from the Board of Directors.
\$10	\$20	\$30	<ul style="list-style-type: none"> • leaving personal belonging in the common area (bicycles, scooters, toys, equipment) • throwing debris around the common areas
\$25	\$50	\$125	<ul style="list-style-type: none"> • Erecting a fence or wall without first receiving written approval from the Board or Design Committee • creating noise within a unit that can be heard in another unit or in the common area such that the noise is (1) offensive to the senses, (2) disruptive to the comfortable enjoyment and lifestyle of other residents, or (3) an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life • creating noise in the common area that can be heard in a unit such that the noise is (1) offensive to the senses, (2) disruptive to the comfortable enjoyment and lifestyle of other residents, or (3) an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life
\$25	\$50	\$100	<ul style="list-style-type: none"> • maintaining pets in a unit in violation of the bylaws, declaration or rules and regulations • failing to clean up after pets that have defecated in the common area and / or failing to dispose of the feces in a sanitary manner • no permitting dogs in the common area that are not on a leash • bringing a pet in unit that can be heard in another unit such that the sound created by the pet is (1) offensive to the senses, (2) disruptive to the comfortable enjoyment and lifestyle of other residents, or (3) an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life • dogs must be housebound or on a leash and accompanied by the owner at all times. • failing to keep the pet reasonably quiet • no tethering pets on the patio or porch unless in the presence of the pet owner
\$25	\$50	\$100	<ul style="list-style-type: none"> • operating a business in a unit without a business license or in violation of the municipal ordinances, the bylaws, declaration, or rules and regulations

*The cumulative fine for a continuing violation may not exceed \$500.00 per month.